



FINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING VARIOUS CHAPTERS, SECTIONS AND SUBSECTIONS OF DIVISIONS 2, 3, 4, 5, 6, 8 AND 10 OF TITLE 8, RELATING TO VARIOUS ASPECTS OF THE DEVELOPMENT CODE; AND ADDING SUBSECTIONS 82.13.060(b)(11), (12) AND (13) TO CHAPTER 82.13 OF DIVISION 2 OF TITLE 8, RELATIVE TO THE FIRE SAFETY OVERLAY; ADDING CHAPTER 83.15 TO DIVISION 3 OF TITLE 8, RELATIVE TO CONDITIONAL COMPLIANCE FOR WATER QUALITY MANAGEMENT PLANS; ADDING SUBSECTION 84.04.070(f) TO CHAPTER 84.04 OF DIVISION 4 OF TITLE 8, RELATIVE TO ANIMAL KEEPING; ADDING SECTION 84.25.070 TO CHAPTER 84.25 OF DIVISION 4 OF TITLE 8, RELATIVE TO PROHIBITING THE USE OF TEMPORARY STRUCTURES FOR RESIDENTIAL PURPOSES; ADDING SUBSECTION 88.01.050(i)(8) TO CHAPTER 88.01 OF DIVISION 8 OF TITLE 8, RELATIVE TO TREE AND PLANT REMOVAL PERMITS, ALL OF THE SAN BERNARDINO COUNTY CODE.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) Properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors of the County of San Bernardino, State of California, pursuant to the Planning and Zoning Law of the State of California and the San Bernardino County Code.

(b) This ordinance is within the scope of the General Plan Update Program Environmental Impact Report (EIR) in terms of the potential environmental effects associated with the proposed changes to the Development Code. The programmatic mitigation incorporated in the General Plan Update and Development Code will apply to subsequent development projects that may be proposed in the future. Project-specific environmental review will be conducted when specific developments are proposed.

litions made by this ordinance are necessary to correct
 tion to the various provisions included in the newly
 adopted Development Code.

SECTION 2. Subsection 82.03.040(b) of the San Bernardino County Code is
 amended, in part, by amending the Transportation, Communications and Infrastructure
 portion of Table 82-4, to read:

82.03.040 Agricultural and Resource Management Land Use Zoning District
Allowed Uses and Permit Requirements

(b) Requirements for certain specific land uses.

. . .

Table 82-4
 Allowed Land Uses and Permit Requirements
 for Agricultural and Resource Management Land Use Zoning Districts

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	RC	AG	FW	OS	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Broadcasting antennae and towers	M/C	M/C	.	.	
Electrical power generation ⁽²⁾	
Pipelines, transmission lines, and control stations ⁽¹⁾	(1)	(1)	(1)	(1)	
Sewage treatment and disposal facility ⁽²⁾	
Solid waste disposal ⁽²⁾	
Transportation facility	CUP	CUP	.	.	
Utility facility	CUP	CUP	CUP	.	
Wind energy system, accessory	S	S	S	.	84.26
Wireless telecommunications facility	S	S	S	.	84.27

SECTION 3. Subsection 82.04.040(b) of the San Bernardino County Code is
 amended, in part, by amending the Residential Uses, Services including footnotes, and
 Transportation, Communications and Infrastructure portions of Table 82-7, to read:

82.04.040 Residential Land Use Zoning District Allowed Uses and Permit
Requirements

(b) Requirements for certain specific land uses.

. . .

Table 82-7
it Requirements for Residential Land Use Zoning
Districts

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL	RS	RM	
RESIDENTIAL USES				
Accessory structures and uses - Residential	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	84.01
Caretaker housing	M/C ⁽⁷⁾	M/C	M/C	84.01
Dependent housing	SUP	SUP	SUP	84.08
Guest housing	A	A	A	84.01
Home occupation	SUP	SUP	SUP	84.12
Homeless shelter	CUP	CUP	CUP	
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	.	.	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	.	.	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	.	.	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	.	.	CUP	84.16
Organizational house (sorority, fraternity, etc.)	CUP	CUP	M/C	
Rooming or boarding, 2 or fewer persons	.	.	P ⁽¹⁾	84.01
Secondary dwelling	A ⁽¹⁾	A ⁽¹⁾	.	84.01
Single dwelling	A	A	. ⁽⁶⁾	
Short-Term Private Home Rental	SUP	SUP	SUP	85.28

SERVICES

Cemetery, including pet cemeteries	CUP	CUP	.	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	.	.	84.04
Correctional institution ⁽⁴⁾	. ⁽¹⁾	.	.	
Lodging - Bed and breakfast inn (B&B)	SUP ⁽³⁾	SUP ⁽³⁾	SUP ⁽³⁾	84.05
Public safety facility	M/C	M/C	M/C	
Social care facility - 6 or fewer clients	A	A	A	84.23
Social care facility - 7 or more clients	M/C	CUP	CUP	84.23

- Notes:** (1) Use allowed as an accessory use only, on the same site as a residential use allowed by this table provided that the parcel is twice the minimum lot size required by the land use zoning district.
- (2) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq ft advertising sign; in RS and RM, can only operate for 72 hours per month.
- (3) A CUP shall be required for three or more rooms.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District
- (5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.
- (6) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone.

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Broadcasting antennae and towers	M/C	.	.	
Electrical power generation ⁽²⁾	.	.	.	
Pipelines, transmission lines, and control stations ⁽¹⁾	(1)	(1)	(1)	



	.	.	.	
	.	.	.	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27

SECTION 4. Section 82.04.060 of the San Bernardino County Code is amended, in part, by amending Table 82-9B, to read:

82.04.060 Residential Land Use Zoning District Site Planning and Building Standards

**Table 82-9B
Residential Land Use Zoning District Development Standards
Mountain Region**

Development Feature	Requirement by Land Use Zoning District		
	RL Rural Living	RS Single Residential	RM Multiple Residential
Density	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
Maximum density	1 unit per 2.5 acres ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	Lot less than 14,000 sf =15 ft Lots 14,000 sf or larger=25 ft.	Lot less than 14,000 sf =15 ft Lots 14,000 sf or larger=25 ft.
Side - Street side	25 ft	15 ft	15 ft
Side - Interior (each)	20 ft	20% of lot width, need not exceed 15 ft ⁽²⁾	20% of lot width, need not exceed 15 ft ⁽²⁾
Rear	20 ft	15 ft	15 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	20%	40%	60%
Height limit	<i>Maximum allowed height of structures. See Chapter 83.02 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
Accessory	See Chapter 84.01 (Accessory Structures and Uses).		



Requirement by Land Use Zoning District

Development Feature	RL Rural Living	RS Single Residential	RM Multiple Residential
structures			
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations)		

Notes:

- (1) Map suffix may modify.
- (2) The side yard setback standards in the Fire Safety Overlay (Chapter 82.13) shall prevail. The setback provisions of the small lot development standards (Chapter 84.22) shall not apply.

SECTION 5. Subsection 82.05.040(b) of the San Bernardino County Code is amended, in part, by amending the Industry, Manufacturing & Processing, Wholesaling, Retail, and Services-General portions of Table 82-11, to read:

82.05.040 Commercial Land Use Zoning District Allowed Uses and Permit Requirements

(b) Requirements for certain specific land uses.

...

Table 82-11

Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	.	.	.	M/C	.	
Firewood contractor	P ⁽²⁾	.	.	.	P ⁽²⁾	.	84.09
Hazardous waste operations	.	.	.	.	.	.	84.11
Manufacturing Operations I	M/C ⁽³⁾	.	.	.	P ⁽²⁾	.	
Motor vehicle storage/Impound facility	CUP	.	.	.	CUP	CUP	
Recycling facilities . Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities . Large collection facility	CUP	.	CUP	CUP	CUP	CUP	84.19
Recycling facilities . Light processing facility	CUP	.	.	CUP	CUP	.	84.19
Recycling facilities . Heavy processing facility	.	.	.	.	.	.	84.19
Recycling facilities, reverse vending machine	A	A	A	A	A	A	84.19
Salvage operations . within enclosed structures	M/C ⁽⁵⁾	.	.	.	M/C	.	
Storage . Personal storage (mini-storage)	M/C	.	.	.	P ⁽²⁾	.	
Storage . Recreational vehicles	CUP	.	.	.	CUP	CUP	
Storage . Warehouse, Indoor Storage	M/C	.	.	.	.	.
Wholesaling and distribution	M/C ⁽⁵⁾	.	.	P ^(1,2)	P ⁽²⁾	.	
RETAIL							
Auto and vehicle sales and rental	P ⁽¹⁾	.	.	P ⁽¹⁾	P ⁽¹⁾	.	
Bar, tavern	P ⁽¹⁾	M/C	.	P ⁽¹⁾	P ⁽¹⁾	.	
Building and landscape materials sales - Indoor	M/C	.	.	M/C	M/C	.	
Building and landscape materials sales - Outdoor	M/C	.	.	M/C	M/C	.	



	and rental	M/C	.	.	.	M/C	.	
		P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
	, etc.)	M/C	.	.	.	M/C	.	
	General retail	M/C	.	.	P ⁽¹⁾	P ⁽¹⁾	.	
3	Groceries, specialty foods	M/C	M/C	.	P ⁽¹⁾	P ⁽¹⁾	.	
	Manufactured home, boat, or RV sales	P ⁽¹⁾	.	.	M/C	M/C	.	
4	Night club	P ⁽¹⁾	M/C	.	M/C	P ⁽¹⁾	.	
	Restaurant, café, coffee shop	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
5	Service station	M/C	M/C	.	M/C	M/C	M/C	
	Second hand stores, pawnshops	P	.	.	P	P	.	
6	Shopping center	M/C	M/C	.	M/C	M/C	M/C	
	Swap meet, outdoor market, auction yard	M/C	.	.	M/C	M/C	.	
7	Warehouse retail	P ⁽¹⁾	.	.	P ⁽¹⁾	P ⁽¹⁾	.	

SERVICES - GENERAL

8	Bail bond service within 1 mile of correctional institution	P	.	P	P	P	P	
9	Cemetery, including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
	Child care - Day care center	M/C	M/C	M/C	M/C	M/C	.	
	Correctional institution ⁽⁴⁾	
10	Convenience and support services	P ⁽¹⁾	P ⁽¹⁾	.	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
	Equipment rental	P ⁽¹⁾	.	.	P ⁽¹⁾	P ⁽¹⁾	.	
11	Kennel or cattery - 2.5-acre minimum lot area (over 15 animals)	MUP/S	.	.	.	MUP/S	.	84.04
12	Lodging - Bed and breakfast inn (B&B)	SUP	.	.	.	.	.	84.05
	Lodging - Hotel or motel - 20 or fewer guest rooms	P ⁽²⁾	.	.	P ^(1,2)	P ^(1,2)	P ⁽²⁾	
13	Lodging - Hotel or motel - More than 20 guest rooms	M/C	.	.	M/C	M/C	M/C	
	Personal services	P ⁽²⁾	P ⁽²⁾	.	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
14	Public safety facility	M/C	M/C	.	.	M/C	M/C	
	Social Care Facility - 7 or more clients	M/C	M/C	M/C	M/C	M/C	M/C	
15	Vehicle services - Major repair/body work	M/C	.	.	.	M/C	M/C	
	Vehicle services - Minor maintenance/repair	P ⁽²⁾	.	.	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
16	Veterinary clinic, animal hospital	M/C	.	.	M/C	M/C	.	

SECTION 6. Section 82.06.030 of the San Bernardino County Code is amended, in part, by amending Table 82-16, to read:

82.06.030 Minimum Area for Designation

Table 82-16
Minimum Area for Industrial and Special Use
Land Use Zoning District Designation

Land Use Zoning District	Minimum Area for Designation
IC (Community Industrial)	5 acres
IR (Regional Industrial)	30 acres
IN (Institutional)	None required
SD (Special Development)	20 acres
SP (Specific Plan)	As specified by General Plan

SECTION 7. Subsection 82.06.040(b) of the San Bernardino County Code is amended, in part, by amending Table 82-17, to read:

Special Purpose Land Use Zoning District Allowed Uses

(b) Requirements for certain specific land uses.

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Table 82-17
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts

	PERMIT REQUIRED BY DISTRICT						
LAND USE <i>See Division 10 (Glossary) for land use definitions</i>	IC	IR	IN	SD-RES ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	Specific Use Regulation s
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Agriculture Support Services	P ⁽²⁾	P ⁽²⁾	.	M/C	M/C	M/C	
Animal Keeping	.	.	.	S	.	.	84.04
Crop production, horticulture, orchard, vineyard	.	.	.	A	.	.	
Livestock operations/sales	.	.	.	.	.	.
Natural resources development (mining)	CUP	CUP	.	CUP	CUP	CUP	
Nature preserve (accessory uses)	.	.	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	P ⁽²⁾	.	M/C	M/C ⁽⁷⁾	M/C	
Hazardous waste operation	.	CUP	.	.	.	.
Firewood contractor	P	P	.	.	.	M/C	84.09
Manufacturing Operations I	P ⁽²⁾	P ⁽²⁾	.	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Manufacturing Operations II	. ⁽¹⁾⁽⁵⁾	M/C	.	.	.	CUP ⁽⁴⁾	
Motor vehicle storage/Impound facility	M/C	M/C	.	.	.	M/C	
Recycling facilities - Small collection facility	SUP	SUP	.	.	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	.	.	CUP ⁽⁷⁾	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	.	.	CUP ⁽⁷⁾	CUP	84.19
Recycling facilities - Heavy processing facility	CUP	CUP	.	.	.	CUP	84.19
Recycling facilities, reverse vending machines	A	A	.	A	A	S	84.19
Salvage operations - Within an enclosed structure	CUP	M/C	.	.	CUP	M/C	
Salvage operations - General	.	CUP	.	.	.	.
Storage - Personal storage (mini-storage)	P ⁽²⁾	P ⁽²⁾	.	M/C	M/C	M/C	
Storage . Recreational vehicles	M/C	M/C	.	M/C	M/C	M/C	
Storage - Warehouse, indoor storage	M/C	M/C	.	.	M/C	M/C	
Wholesaling and distribution	M/C	M/C	.	.	M/C	M/C	

Key

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TS	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	.	Use not allowed



- ing area may be allowed subject to a CUP.
ge exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.
- (5) Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.
- (6) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A %RES+suffix indicates that the focus is on residential Planned Development projects. A %COM+suffix indicates that the focus is on commercial Planned Development projects. An %IND+suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- (7) This use shall be located completely within an enclosed structure.

Table 82-17 (continued)
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts

	PERMIT REQUIRED BY DISTRICT						
LAND USE <i>See Division 10 (Glossary) for land use definitions</i>	IC	IR	IN	SD-RES ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	Specific Use Regulations
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Campgrounds	.	.	.	.	.	.
Commercial entertainment - Indoor	M/C	.	.	M/C	M/C	M/C	
Conference/convention facility	.	.	.	CUP ⁽³⁾	CUP ⁽³⁾	CUP ⁽³⁾	
Equestrian facility	.	.	.	M/C	M/C	M/C	
Fitness/health facility	P ⁽⁵⁾	P ⁽⁵⁾	.	M/C	M/C	M/C	
Golf course	.	.	.	CUP ⁽³⁾	CUP ⁽³⁾	CUP ⁽³⁾	
Library, museum, art gallery, outdoor exhibit	.	.	.	M/C	M/C	M/C	
Meeting facility, public or private	CUP	.	.	CUP	CUP	CUP	
Park, playground	.	.	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	.	.	.	CUP	CUP	CUP	
School - College or university	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	
School - Private	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
RESIDENTIAL							
Accessory dwelling (labor quarters, etc.)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P ^(1,2)	P ^(1,2)	P ^(1,2)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	84.01
Dependent housing	.	.	.	SUP	.	.	84.08
Guest housing	.	.	.	P ⁽²⁾	.	.	84.01
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Homeless shelter	CUP	.	.	CUP	CUP	CUP	
Live/work unit	M/C	.	.	M/C	M/C	.	
Mobile home park/manufactured home land-lease community	.	.	.	CUP	CUP	.	
Multiple residential use	.	.	.	PD	PD	PD	
Residential use with retail, service, or industrial use	.	.	.	PD	PD	PD	
Second dwelling unit	.	.	.	S	.	.	84.01
Single dwelling	.	.	.	A	.	.	

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)



	Conditional Use Permit required (Chapter 85.06)	S	Permit requirement set by Specific Use Regulations (Division 4)
	Minor Use Permit)	TS P	Temporary Special Events Permit required (Chapter 85.16)
3	CUP	TU P	Temporary Use Permit required (Chapter 85.15)
4	MUP	.	Use not allowed

Notes:

- (1) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (2) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (3) PD permit required if total floor area of all structures or use area exceeds 10,000 sf.
- (4) May require a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (5) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (6) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A %RES+suffix indicates that the focus is on residential Planned Development projects. A %COM+suffix indicates that the focus is on commercial Planned Development projects. An %IND+suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

Table 82-17 (continued)
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts

	PERMIT REQUIRED BY DISTRICT						
LAND USE See Division 10 (Glossary) for land use definitions	IC	IR	IN	SD-RES ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	Specific Use Regulations
RETAIL							
Auto and vehicle sales and rental	P ⁽¹⁾	P ⁽¹⁾	.	M/C	M/C	M/C	
Bar, tavern	.	.	.	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P ⁽¹⁾	P ⁽¹⁾	.	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	.	.	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	.	.	CUP	CUP	
Convenience store	P ⁽¹⁾	P ⁽¹⁾	.	M/C	M/C	M/C	
Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	.	CUP	CUP	CUP	
General retail - 10,000 sf or less, with or without residential unit	.	.	.	M/C	M/C	M/C	
General retail - More than 10,000 sf, with or without residential unit	.	.	.	PD	PD	PD	
Manufactured home or RV sales	M/C	M/C	.	.	M/C	M/C	
Night Club	.	.	.	M/C	M/C	M/C	
Restaurant, café, coffee shop	P ⁽¹⁾	P ⁽¹⁾	.	M/C	M/C	M/C	
Second hand stores, pawnshops	P ⁽¹⁾	.	.	M/C	M/C	M/C	
Service station	P ⁽¹⁾	P ⁽¹⁾	.	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	.	.	.	M/C	
Warehouse retail	P ⁽¹⁾	P ⁽¹⁾	.	.	CUP	CUP	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL							
Medical services - Hospital ⁽⁴⁾	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Professional Services	P ⁽¹⁾	.	.	M/C	M/C	M/C	
SERVICES - GENERAL							



	tion	P	P	P	.	P	P	
		.	.	.	CUP	CUP	CUP	84.06
		(4)	(4)	CUP	(4)	(4)	(4)	
3	Equipment rental	P ⁽¹⁾	P ⁽¹⁾	.	.	M/C	M/C	
4	Kennel or cattery	M/C	.	.	.	.	M/C	84.04
5	Lodging . Bed and breakfast inn (B&B)	.	.	.	SUP ⁽⁶⁾	SUP ⁽⁶⁾	.	
6	Lodging . Hotel or motel . 20 or fewer guest rooms	.	.	.	M/C	M/C	.	
	Lodging . Hotel or motel . More than 20 guest rooms	.	.	.	M/C	M/C	.	

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TS P	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	.	Use not allowed

Notes:

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability)..
- (2) Use allowed as an accessory use only, on the same site as a residential use permitted by this table.
- (3) PD permit required, if total floor area or use area exceeds 10,000 sq. ft.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (5) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A %RES+suffix indicates that the focus is on residential Planned Development projects. A %COM+suffix indicates that the focus is on commercial Planned Development projects. An %IND+suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- (6) A CUP shall be required for three or more rooms.

Table 82-17 (continued)
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts

	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE See Division 10 (Glossary) for land use definitions	IC	IR	IN	SD-RES ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	
SERVICES - GENERAL (Continued)							
Personal services	P ⁽¹⁾	.	.	M/C	M/C	M/C	
Public safety facility ⁽⁶⁾	
Social care facility - 7 or more clients	.	.	M/C	CUP	CUP	CUP	
Vehicle services - Major repair/body work	P ⁽¹⁾	P ⁽¹⁾	.	.	M/C ⁽⁷⁾	M/C	
Vehicle services - Minor maintenance/repair	P ⁽¹⁾	P ⁽¹⁾	.	.	M/C ⁽⁷⁾	M/C	
Veterinary clinic, animal hospital	M/C	.	.	.	M/C	M/C	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
Broadcasting studio	M/C	M/C	M/C	CUP ⁽³⁾	CUP ⁽³⁾	CUP ⁽³⁾	



	M/C	M/C	M/C	M/C ⁽⁷⁾	M/C ⁽⁷⁾	M/C ⁽⁷⁾	
	.	.	CUP	.	.	.	
	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
3	Parking lots, accessory	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	M/C	M/C	
4	Parking structures	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	M/C	M/C	
5	Pipelines, transmission lines, and control stations ⁽⁴⁾	(4)	(4)	(4)	(4)	(4)	
6	Sewage treatment and disposal facility ⁽⁶⁾	.	.	CUP	.	.	
7	Solid waste disposal ⁽⁶⁾	.	.	CUP	.	.	
8	Transportation facility	M/C	M/C	M/C	M/C	M/C	
9	Truck Stop	M/C	M/C	.	.	.	M/C
10	Truck Terminal	M/C	M/C	.	.	.	M/C
11	Utility facility	CUP	CUP	CUP	CUP	CUP	
12	Water treatment plants and storage tanks	.	CUP	.	.	CUP	CUP
13	Wireless telecommunications facility	S	S	S	S	S	84.27

OTHER

14	Accessory structures and uses	P	P	P	P	P	P	84.01
15	Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
16	Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

KEY

17	A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
18	P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SU P	Special Use Permit required (Chapter 85.14)
19	M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
20			TS P	Temporary Special Events Permit required (Chapter 85.16)
21	CUP	Conditional Use Permit required (Chapter 85.06)	TU P	Temporary Use Permit required (Chapter 85.15)
22	MUP	Minor Use Permit required (Chapter 85.06)	.	Use not allowed

Notes:

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (2) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use permitted by this table.
- (3) PD permit required if total floor area or use area exceeds 10,000 sq. ft.
- (4) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.
- (5) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A %RES+suffix indicates that the focus is on residential Planned Development projects. A %COM+suffix indicates that the focus is on commercial Planned Development projects. An %IND+suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- (6) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (7) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.

SECTION 8. Subsection 82.06.050(c) of the San Bernardino County Code is amended, in part, by amending Tables 82-18A, 82-18B and 82-18C, to read:

82.06.50 Industrial and Special Purpose Land Use Zoning District Subdivision Standards

Table 82-18A
Industrial and Special Purpose Land Use Zoning District Minimum Lot Size
Valley Region

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
IC	5 acres ⁽¹⁾	60 ft	100 ft	1:3
IR	5 acres ⁽¹⁾	60 ft	100 ft	1:3
IN	None required	60 ft	100 ft	1:4
SD	20 acres ^{(2) (3) (4)}	60 ft	100 ft	Lot of less than 10 acres - 1:3 Lot of 10 acres or more - 1:4

- Notes:**
- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
 - (2) Except where modified by map suffix.
 - (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A %RES+suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A %COM+suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. An %IND+suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 40 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).
 - (4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

Table 82-18B
Industrial and Special Purpose District Minimum Lot Size
Mountain Region

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
IC	5 acres ⁽¹⁾	60 ft for interior lot 70 ft for corner lot	100 ft	1:3
IR	5 acres ⁽¹⁾	60 ft for interior lot 70 ft for corner lot	100 ft	1:3
IN	None required	60 ft for interior lot 70 ft for corner lot	100 ft	1:3
SD	20 acres ^{(2) (3) (4)}	60 ft	100 ft	Lot of less than 10 acres - 1:3 Lot of 10 acres or more - 1:4

- Notes:**
- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
 - (2) Except where modified by map suffix.
 - (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A %RES+suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A %COM+suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. An %IND+suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 40 acres (e.g., SD-5 = Special Development with a five-acre minimum lot

te maximum dwelling units per acre (e.g., SD-3/1 = Special Development
 dwelling units per acre).
 ove lot sizes smaller than those specified by the land use zoning district.
 The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land
 uses on surrounding properties.

Table 82-18C
 Industrial and Special Purpose District Minimum Lot Size
 Desert Region

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
IC	5 acres ⁽¹⁾	60 ft	100 ft	1:3
IR	5 acres ⁽¹⁾	60 ft	100 ft	1:3
IN	None required	60 ft	100 ft	1:3
SD	20 acres ^{(2) (3) (4)}	60 ft	100 ft	Lot of less than 10 acres - 1:3 Lot of 10 acres or more - 1:4

- Notes:**
- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
 - (2) Except where modified by map suffix.
 - (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A %RES+suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A %COM+suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. An %IND+suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 40 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).
 - (4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

SECTION 9. Subsection 82.13.060(a) of the San Bernardino County Code is amended, to read:

82.13.060 FS1, FS2, and FS3 Development Standards

(a) Residential density. In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any Tentative Parcel Map or Tentative Tract Map (with the exception of one-lot subdivisions) in sloping hillside areas shall be in compliance with the following criteria:

- (1) One to four dwelling units per gross acre on slopes of zero to less than fifteen percent (0-<15%);

units per gross acre on slopes of 15 to less than 30

(3) One dwelling unit per three gross acres on slopes of 30 to less than 40 percent gradient;

(4) One dwelling unit per ten gross acres on slopes of 40 percent or greater gradient;

(5) In the Rancho Cucamonga Sphere of Influence, zero density is allowed for any portion of a proposed Tentative Parcel Map or Tentative Tract Map on slopes of greater than 30 percent gradient.

SECTION 10. Subsection 82.13.060(b)(3) of the San Bernardino County Code is amended, to read:

82.13.060 FS1, FS2, and FS3 Development Standards

(b) Site development requirements.

(3) Fences.

(A) Where wood or vinyl fencing is used, there shall be a minimum five-foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred in compliance with a previous code. Fencing within the five-foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction.

(B) Fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of a development project, are not subject to this requirement, except as required in subparagraph a, above.

(C) Where side and rear yards are enclosed by fencing, gates shall be provided on both side yards for emergency access to the rear yard.

82.13.060 FS1, FS2, and FS3 Development Standards

(b) Site development requirements.

(7) Setbacks requirements.

(C) National Forest boundary. Each structure on a lot that was created on or after April 12, 2007 and abuts a boundary of the San Bernardino National Forest shall be set back at least 100 feet from the boundary. Each structure on a lot that was created between March 9, 1988 and April 11, 2007 and abuts a boundary of the San Bernardino National Forest shall be set back at least 30 feet from the boundary.

SECTION 12. Subsections 82.13.060(b)(11), (12) and (13) are added to Chapter 82.13 of Division 2 of Title 8 of the San Bernardino County Code, to read

82.13.060 FS1, FS2, and FS3 Development Standards

(b) Site development requirements.

(11) Concealed spaces. Unenclosed or projecting assemblies (e.g., cantilevered floors, bay windows, etc.) that contain concealed space shall be protected on the exposed surface with materials approved for the modified one-hour construction.

(12) Decks. Cantilevered or standard type decks shall be:

(A) Constructed with a minimum of at least one-and-one-half-inch wood decking; and/or

(B) Protected on the underside with materials approved for one hour fire resistive construction; and/or

(C) Composed of noncombustible materials, as defined in the California Building Code, or other materials approved by the responsible Fire Authority.

(13) Exposed piping. Exposed piping, except for plumbing vents above the roof, shall be noncombustible as defined in the California Building Code.



82.13.060 FS1, FS2, and FS3 Development Standards

(c) Building separation standards. The intent of the following exterior wall separation standards is to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.

(1) Building separation standards in FS1 and FS2 areas. In FS1 and FS2 areas, the following shall apply:

(A) Each building on a parcel shall have exterior wall separations of at least 30 feet except as modified by Subsection (C) below.

(B) Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted to project into the required setback no more than two feet. No other projections shall be allowed less than five feet to side or rear property lines.

(C) When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side. Modified one-hour construction shall be defined by the Building Official. Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;

(D) In compliance with Section 82.13.090 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in FS1 and FS2 areas:

the expansion of fuel modified areas around the
project beyond that required by this Section or other
requirement of the County Code.

(II) A substantial transfer of density from steeper slopes,
including areas with slopes less than 30 percent if they exist on-site, to less steep areas
within the development project.

(III) Clustering of structures away from the development
perimeter and away from fire hazard areas.

(IV) Other alternate measures (e.g., sprinklers, etc.) if
approved by the Department in compliance with Section 82.13.090 (Alternate Hazard
Protection Measures).

(2) Building separation standards in FS3 areas. In FS3 areas, exterior
wall coverings shall be constructed of noncombustible materials or shall provide the
equivalent one-hour fire-resistance-rated construction on the exterior side. Interior side
yards shall not be less than five feet in width. Within the Mountain Region, building
separation and side yard setbacks shall be as described in Paragraph 1, above.

(d) Building construction requirements.

(1) Eaves.

(A) In FS 1 and FS2 areas, eaves shall be boxed in perpendicular to
the adjoining wall and shall be constructed of noncombustible materials or provide the one-
hour fire-resistance-rated construction. Fascia shall be two inches nominal solid wood or
stucco or equivalent protection.

(B) In FS3 areas, eaves shall be enclosed with a minimum seven-
eighth inch stucco or equivalent protection. Fascia shall be two inches nominal solid wood
or stucco or equivalent protection.

SECTION 14. Subsection 82.13.060(d)(8) of the San Bernardino County Code
is amended, to read:

82.13.060 FS1, FS2, and FS3 Development Standards



on requirements.

openings. Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four feet in height that are not fitted with sash or doors, shall be covered with wire screen. The screen covering the openings shall be corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth inch. Eave vents and roof-mounted turbine vents are prohibited.

SECTION 15. Section 82.13.070 of the San Bernardino County Code is amended, to read:

82.13.070 (Reserved)

SECTION 16. Subsection 82.13.080(e)(3) of the San Bernardino County Code is amended, to read:

82.13.080 Soil Erosion and Sediment Control Plans/Permits

(e) Land clearing measures.

(3) Establishment of vegetation. Disturbed surfaces shall be prepared and maintained to control erosion and to establish vegetative growth compatible with the area. This control shall consist of any one or a combination of the following:

(A) Effective temporary planting (e.g., rye grass, fast germinating native seed, etc.) and/or mulching with straw, pine needles, chippings, or other slope stabilization material.

(B) Permanent planting of compatible drought resistant species of ground cover, shrubs, trees, or other vegetation.

(C) Mulching, fertilizing, watering, or other methods necessary to establish new vegetation.

SECTION 17. Subsection 83.02.070(b)(1) of the San Bernardino County Code is amended, to read:



**and Exceptions
back requirements.**

(1) The minimum setback requirements of this Development Code shall apply to all uses except for the following:

(A) Fences or walls constructed within the height limitations of Chapter 83.06 (Fences, Hedges, and Walls).

(B) Retaining walls less than three feet in height above finished grade not to exceed four such walls within the setback.

SECTION 18. Section 83.02.080 of the San Bernardino County Code is amended, in part, by amending Table 83-5, to read:

83.02.080 Allowed Projections/Structures Within Setbacks

Table 83-5 Allowed Projections/Structures Within Setbacks			
Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
Awnings, canopies, louvers and similar shading devices	4 ft.	2 ft.	4 ft.
Eaves, cornices, sills, planting boxes; skylights, fireplaces, flues and chimneys, and similar architectural features	4 ft.	2 ft.	4 ft.
Evaporative coolers, air conditioner compressors, and pool equipment	4 ft. When screened from view	2 ft.	4 ft.
Water tanks, propane tanks sited per California Fire Code and maintained in compliance with standards specified by Section 83.01.060 (Fire Hazards)	Not allowed	Not allowed	4 ft.
Freestanding photovoltaic or solar panels	Not allowed	Not allowed	10 ft. Minimum 5 ft. separation from rear parcel line



Table 83-5
Projections/Structures Within Setbacks

Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
Attached patio roofs and similar residential structures having open, unwall sides along not less than 50% of their perimeters, including top deck (decks with height greater than 4 ft. above grade)	4 ft.	Not allowed	15 ft. Minimum 5 ft. separation from rear parcel line
Cantilevered portion of primary structure more than 8 ft. above grade limited to 50% of length of one wall on any 1 story	4 ft.	4 ft.	4 ft.
Open-sided stairways, landings, and required fire escapes	5 ft.	4 ft.	10 ft.
Uncovered porches, platforms, or decks (up to 4 ft. in height)	4 ft.	4 ft.	10 ft.
Open storage of boats, recreational vehicles, trailers and similar vehicles	Not Allowed	Allowed	Allowed
Temporary trash storage in appropriate containers	Not Allowed	Allowed	Allowed
Slides, clotheslines and similar equipment	Not allowed	Not allowed	Allowed
Radio or television masts or antennas, satellite dishes	Not allowed	Not allowed	Allowed
Garages, carports, sheds and other similar detached, enclosed accessory structures that: <ul style="list-style-type: none"> • Occupy no more than 25% of yard • Limited to 1 story in height 	Not allowed	Not allowed	Allowed
Garages and carports in Mountain Region only that: <ul style="list-style-type: none"> • Do not project beyond property line • Limited to 1 story in height • Meet Administrative Criteria of Building Official 	Allowed. 10 ft. minimum from existing edge of roadway pavement.	Not allowed	Allowed



Table 83-5
Projections/Structures Within Setbacks

Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
Unroofed parking, parking decks, and loading areas	As specified by the Chapter 83.11 (Parking Regulations)	Allowed	Allowed
Covered, underground or partially excavated structures (e.g., basements, fallout shelters, garages, public utility or telephone/cable TV vaults, wine cellars, etc.)	Allowed in all setback areas, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		
Fences, screening, safety guardrails, walls along property lines	Allowed in compliance with Section 83.06.030 (General Height Limitations).		
<ul style="list-style-type: none"> Industrial land use zoning districts Commercial land use zoning districts All other land use zoning districts. 	6 ft. max. height	10 ft. max height	10 ft. max. height
	4 ft. max. height	10 ft. max height	10 ft. max height
	4 ft. max. height	6 ft. max. height	6 ft. max. height
	<p>-----</p> <p>Fence heights in excess of these standards may be allowed by an approved Use Permit, Variance, Tract or Parcel Map or when required by the County for reasons of the health and safety of the general public. In the RC and RL land use zoning districts, open fences may go up to a maximum of 5 feet in the front yard and street side yards.</p>		
<ul style="list-style-type: none"> Flagpoles Sculpture and similar decorations Trees, shrubs, and landscaping with a screening effect Utility poles and lines located along property lines no closer than 1 foot from side property line Walkways⁽¹⁾ Unroofed paving and driveways outside the ultimate road right-of-way. Unroofed paving and driveways within the ultimate road right-of-way shall be a minimum of 3 feet from the side property line⁽¹⁾ 	Allowed	Allowed	Allowed
Signs	Allowed in all setback areas subject to Chapter 83.13 (Signs)		



Table 83-5
Projections/Structures Within Setbacks

Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
Swimming pools and spas no closer than 5 ft. to any property line	Not allowed	Allowed	Allowed

(1) Walkways necessary for access to the building, parking areas and driveways may be supported on masonry construction in the Mountain Region.

SECTION 19. Subsection 83.06.040(b) of the San Bernardino County Code is amended, to read:

83.06.040 Measurement of Fence or Wall Height

(b) Where there is a difference in the ground level between two adjacent parcels, the height of a fence or wall constructed along the property line shall be determined by using the finish grade of the lowest contiguous parcel.

SECTION 20. Subsection 83.06.070(a) of the San Bernardino County Code is amended, to read:

83.06.070 Prohibited Fence Materials

(a) **Chain link fencing.** Permanent chain link fencing or similar materials (chicken wire, hog fencing, etc.) is prohibited in residential land use zoning districts in the Valley Region, except in those cases where it is not visible from the public right-of-way or where the fence does not extend in front of the primary structure and is camouflaged to the greatest extent possible with plantings or similar shrouding, and except in those cases where the use is adjacent to public rights-of-way in commercial and industrial zoning districts. Chain link fencing shall be allowed for temporary uses. In the Mountain Region, chain link fencing will be allowed when used in conjunction with other fencing materials (i.e., split-rail fencing) and when camouflaged to the greatest extent possible. In the Desert Region, the prohibition against chain link fencing will not apply.

83.08.020 of the San Bernardino County Code is

83.08.020 Applicability

(a) **Slope gradient of 15 percent or greater.** The standards contained in this Chapter apply to all uses and structures within areas having a natural slope gradient of 15 percent or greater over the area being graded and requiring a Grading Permit. For the purpose of this Chapter, slope shall be computed as set forth in Section 83.08.040(b) for the area being graded before grading is commenced.

(b) **Site conditions requiring Hillside Grading Review.** If the slope gradient is 15 percent or greater and if any one of the following thresholds applies on a particular site meeting the criteria set forth in subsection (a) above, a full analysis and compliance with this Chapter shall be required and a Hillside Grading Review shall be conducted in compliance with Section 83.08.030 (Hillside Grading Review):

(1) The volume of proposed grading is more than 500 cubic yards per lot or more than a total of 2,000 cubic yards for the total project.

(2) If retaining walls or the proposed cut or fill slopes greater than 15 feet in height will be visible and exposed to permanent public view or will be adjacent to designated open space or public lands.

(3) The width of proposed cut or fill slopes is greater than 75 feet in the Valley and Mountain Regions and 150 feet in the Desert Region as measured at the widest point of the slope.

(4) The area of proposed disturbance is more than 50 percent of the site area, or the proposed disturbed area exceeds 10,000 square feet, whichever is less.

SECTION 22. Subsection 83.08.040(a)(1) of the San Bernardino County Code is amended, in part, by amending Figure 83-6, to read:

83.08.040 Hillside Grading Standards

(a) **Landform grading and revegetation standards.**

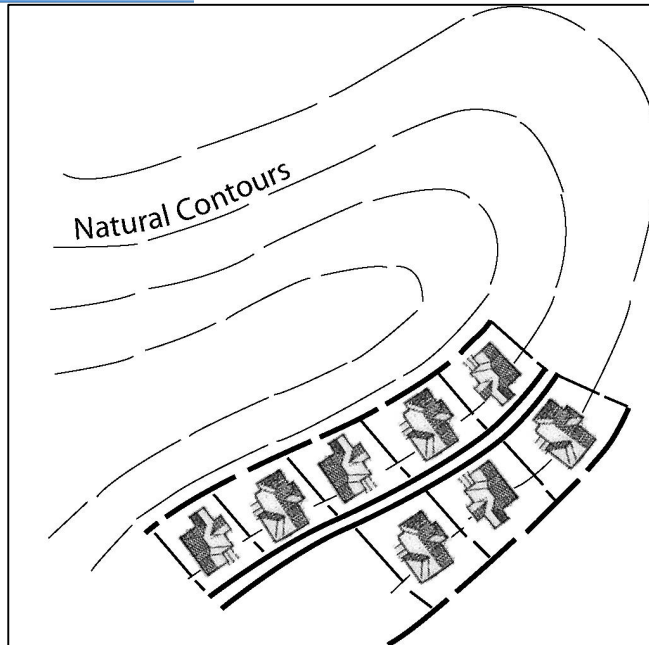


Figure 83-6
Development Follows Natural Topography

SECTION 23. Subsection 83.08.040(c)(3) of the San Bernardino County Code is amended, in part, by amending Figure 83-13, to read:

83.08.040 Hillside Grading Standards

(c) Grading.

(3) Access, trails, and roadway standards.

...

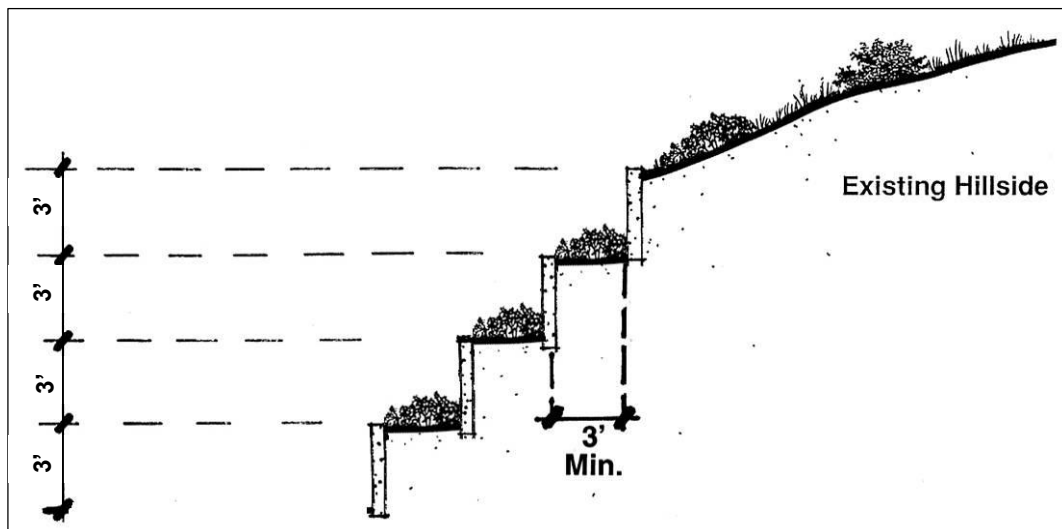


Figure 83-13
Is Along Streets and in Setbacks

SECTION 24. Section 83.09.050 of the San Bernardino County Code is amended, in part, by amending Table 83-11, to read:

83.09.050 Infrastructure Improvement Standards - Desert Region

Table 83-11
Infrastructure Improvement Standards
Desert Region

STANDARDS	Residential and Agricultural Land Uses (Lot sizes are the size of the resultant parcels after subdivision)			Commercial and Institutional Land Uses	Industrial Land Uses
	Less than 1 acre	1 to less than 2.5 acres	2.5 acres or greater	All lot sizes	All lot sizes
	Y = Yes NA = Not Allowed N = Not required				
Legal and physical access	Y	Y	Y	Y	Y
Grants of Easements ⁽¹⁾	Y	Y	Y	Y	Y
Paved Access	Y	Y	Y ⁽²⁾⁽³⁾	Y ⁽⁴⁾	Y ⁽⁴⁾
Internal access (internal roads)					
Perimeter access (roads abutting subject property)	Y	Y ⁽²⁾⁽³⁾	Y ⁽²⁾⁽³⁾	Y	Y
Off-site access (paving to nearest paved road)	Y	Y ⁽²⁾⁽³⁾	Y ⁽²⁾⁽³⁾⁽⁵⁾	Y	Y
Curbs and gutters ⁽⁶⁾⁽⁷⁾	Y	N ⁽⁸⁾	N ⁽⁸⁾	N ⁽⁸⁾	N ⁽⁸⁾
Sidewalks ⁽⁷⁾	Y (2 sides)	Y ⁽⁹⁾ (1 side)	N	N ⁽⁹⁾	N ⁽⁹⁾
Street lights					
Standard spacing including intersections ⁽¹⁰⁾	Y	N	N	Y	Y
Intersections only ⁽¹⁰⁾	N	Y	N	N	N
Water					
Water purveyor ⁽¹¹⁾	Y	Y ⁽¹¹⁾	Y or Y ⁽¹³⁾	Y or Y ⁽¹³⁾	Y or Y ⁽¹³⁾
Substantiated well water	NA	N ⁽¹²⁾			
Sanitation					
Sewer ⁽¹⁴⁾	Y	Y	N	Y	Y
Septic systems ⁽¹⁵⁾	or Y	or Y	Y	or Y	or Y
Drainage improvements	Y	Y	Y	Y	Y
Fireflow ⁽¹⁶⁾	Y	Y	Y	Y	Y

- (1) Necessary rights-of way for transportation and circulation, drainage and flood control facilities, and utilities included.
- (2) This requirement shall not apply to subdivisions where the resultant parcel sizes are at least twice the minimum lot size for the land use zoning district in which they are located.
- (3) This requirement applies to all subdivisions creating 5 or more parcels. It will not apply to subdivisions created by Parcel Map unless the subdivision is adjacent to an existing paved road.
- (4) Required on driveway approach when accessed from a paved road. For alternate paving standards in parking areas, refer to Section 83.11.090 (Parking and Loading Development Standards).
- (5) If the resultant parcels are more than twice the minimum parcel size of the land use zoning district and no paving is being proposed, the parcels may not be further subdivided until paving is provided. This restriction shall be noted on the Composite Development Plan.

- at the discretion of Public Works.
- infill areas where there is no plan or financing mechanism in place to provide
ties and where, as a result, such improvements will not be connected to other
- infrastructure.
- (8) The Public Works Department shall require curbs and gutters, if necessary, to control vehicle access and street drainage. May be required by Caltrans on State highways.
- (9) Sidewalks may be required on both sides of the street by the Public Works Department if needed for pedestrian safety.
- (10) Shall be in compliance with the requirements of Chapter 83.07 (Glare and Outdoor Lighting).
- (11) Projects shall connect to a water purveyor when the nearest property line is within 200 ft. of a water line. This requirement shall be increased by 100 ft. for each residential lot in the project.
- (12) This requirement applies to all subdivisions creating 5 or more parcels. It will also apply to subdivisions created by Parcel Map if the provisions of Section 83.09.060 cannot be met.
- (13) Individual well allowed if no water purveyor is available and when consistent with Water Master requirements in adjudicated groundwater basins.
- (14) Sewers shall be required within established sewer service districts and outside such districts when required by the WQCB. Projects shall connect to a sewer system when the nearest property line is within 200 ft. of a sewer line. This requirement shall be increased by 100 ft. for each residential lot in the project.
- (15) Septic systems are allowed only if the subject parcel is consistent with the WQCB requirements or is not within sewer service district.
- (16) Shall not be required for single-family dwellings and accessory structures on parcels of 2.5 acres or greater where such structures are located 50 ft. from the property lines. Structures on the same parcel shall be separated in compliance with County fire standards.

SECTION 25. Subsection 83.10.060(a)(4) of the San Bernardino County Code is amended, in part, by amending Table 83-12, to read:

83.10.060 Landscape Area Requirements

(a) General Requirements.

(4) Minimum Area.

...

Table 83-12 Minimum Landscaped Area		
Land Use	Minimum Landscape Area	
	The factor resulting in the larger landscaped area shall be used.	
	As a % of Lot Area	Area in Sq. Ft.
Residential		
Single-Family	Front and street side setbacks	900
Multi-Family (4 or more units)	35%	N/A
Nonresidential		
Industrial/Warehouse	15%	1,000
Institutional	15%	500
Office	20%	1,000
Retail	20%	1,000



83.10.070 Landscape Standards

(e) Irrigation.

(2) Equipment.

(A) Meters. For irrigated landscape areas in excess of 5,000 square feet, separate water meters shall be installed for landscaping. (This shall not apply to single-family residential connections.)

SECTION 27. Subsection 83.10.080(a)(4) of the San Bernardino County Code is amended, to read:

83.10.080 Regional Landscaping Requirements

(a) Valley Region.

(4) A minimum of 15 feet of the front yard and street side yard setback areas of a parcel shall be landscaped, except for sites where no disturbance of the natural terrain within a setback is proposed or the natural terrain precludes setback landscaping (i.e., mountainsides or hillsides).

SECTION 28. Subsection 83.10.080(b)(5) of the San Bernardino County Code is amended, to read:

83.10.080 Regional Landscaping Requirements

(b) Mountain Region

(5) A minimum of 15 feet of the front yard and street side yard setback areas shall be landscaped except for sites where no disturbance of the natural terrain within that fifteen-foot area is proposed.

SECTION 29. Subsection 83.10.080(c)(2) of the San Bernardino County Code is amended, to read:

83.10.080 Regional Landscaping Requirements

15 feet of the front yard and street side yard setback

areas of a parcel shall be landscaped using xeriscape type landscaping and hardscape materials in any combination. For sites where no disturbance of land within setbacks is proposed, landscaping shall not be required.

SECTION 30. Subsection 83.11.040(c)(5) of the San Bernardino County Code is amended, in part, by amending Table 83-15, to read:

83.11.040 Number of Parking Spaces Required

(c) Area calculations.

(5) . . .

<div>Table 83-15</div> <div>Parking Requirements by Land Use</div>	
Uses	Number of Spaces Required
Industry, Manufacturing & Processing, Wholesaling⁽⁴⁾	
Industrial uses of all types, including warehouses or structures used exclusively for storage purposes, wholesale houses and distributors and public utility facilities including, but not limited to, electric, gas, water, telephone, and telegraph facilities not having business offices on the premises	<ul style="list-style-type: none"> 1 for each 1,000 s.f. of the first 40,000 s.f. of GFA; and 1 for each 4,000 s.f. of GFA for the portion over 40,000 s.f.; and 1 for each facility vehicle
Storage . Mini storage facilities	<ul style="list-style-type: none"> Mini-storage office 1 for each 250 sq. ft. of office area with 4 minimum Additional requirements: <ul style="list-style-type: none"> A parking lane shall be provided adjacent to the storage structures openings that is a minimum of 9 feet in width and outlined (painted). The parking lane is for temporary parking only (30 minutes maximum) and this time restriction shall be clearly marked with signs. Driveways adjacent to the parking lane shall be a minimum width of 15 feet for one-way and 24 feet for two-way.)
Recreation, Education & Public Assembly Uses⁽⁴⁾	
Amusement enterprises	<ul style="list-style-type: none"> 1 for each 4 persons of the facility's allowed maximum attendance
Bowling alleys and billiard halls	<ul style="list-style-type: none"> 5 for each bowling lane; and 2 for each billiard table
Churches, synagogues, temples, mosques and other places of worship ⁽¹⁾	<ul style="list-style-type: none"> 1 for each 3 fixed seats; and 1 for every 25 s.f. of seating area where there are no fixed seats; and 1 for each 400 s.f. of floor area outside the main assembly area



Table 83-15
Minimum Requirements by Land Use

Uses	Number of Spaces Required
Commercial recreation and similar uses (e.g., shooting ranges, race tracks, miniature golf course, pitch and putt courses, parks, and zoos)	<ul style="list-style-type: none"> 1 for each 4 persons of the facility's allowed maximum attendance
Commercial swimming pools and swimming schools	<ul style="list-style-type: none"> 1 for each 500 s.f. of water surface area 10 minimum
Dance halls	<ul style="list-style-type: none"> 1 for each 20 s.f. of dance floor area; and 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats
Golf courses and driving ranges, but not to include miniature golf courses	<ul style="list-style-type: none"> 4 for each hole on all golf courses; and 1 for each tee for driving ranges
Organizational camps	<ul style="list-style-type: none"> 1 bus parking space per 20 campers 2 for each resident staff 1 for each nonresident staff on the largest shift 1 for each facility vehicle
Meeting facilities - Theaters, auditoriums, stadiums, sport arenas, gymnasiums and similar places of public assembly	<ul style="list-style-type: none"> 1 for each 3 fixed seats or for every 25 s.f. of seating area within the main auditorium where there are no fixed seats ⁽¹⁾
Schools general curriculum Kindergarten through Grade 9	<ul style="list-style-type: none"> 1 for each staff member, faculty member, and employee 1 for each facility vehicle
Schools . general curriculum Grade 10 through 12, colleges and universities, business and professional schools	<ul style="list-style-type: none"> 1 for each 4 students; and 1 for each staff member, faculty member and employee; and 1 for each facility vehicle
Schools . special schools or trade schools	<ul style="list-style-type: none"> 1 for each 3 students; and 1 for each staff member, faculty member, and employee 1 for each facility vehicle
Skating rinks, ice or roller	<ul style="list-style-type: none"> 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats; and ⁽¹⁾ 1 for each 250 s.f. of skating area
Residential Uses	
Caretaker housing	<ul style="list-style-type: none"> 2, with one covered
Clubs, conference centers, fraternity and sorority houses, rooming and boarding houses, and similar structures having guest rooms ⁽³⁾	<ul style="list-style-type: none"> 1 for each 3 guest rooms ⁽³⁾
Dependent housing	<ul style="list-style-type: none"> 2 for each unit
Mobile home parks	<ul style="list-style-type: none"> 2; one covered on each mobile home parcel (may be in tandem); and 1 guest space for each 10 spaces, or fraction thereof
Motels, hotels, and boarding house	<ul style="list-style-type: none"> 1 for each unit/room
Multi-family dwelling	<ul style="list-style-type: none"> 2.5 for projects of 4 or more units, one shall be covered for each dwelling unit on the project site to accommodate resident and visitor parking ⁽²⁾



Table 83-15
Minimum Requirements by Land Use

Uses	Number of Spaces Required
	<ul style="list-style-type: none"> 2.0 for projects of 2 or 3 units, one shall be covered for each dwelling unit ⁽²⁾
Second dwelling unit	<ul style="list-style-type: none"> 2, one shall be covered ⁽²⁾
Single-family dwelling	<ul style="list-style-type: none"> 2, one shall be covered on the same site with the primary structure ⁽²⁾
Short-Term Private Home Rental	<ul style="list-style-type: none"> 1 for each bedroom
Retail Trade	
Automobile repair and service stations	<ul style="list-style-type: none"> 3 for each service bay (service bays do not count as spaces); and 1 for each facility vehicle
Automobile sales, boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	<ul style="list-style-type: none"> 1 for each 2,000 s.f., or portion thereof, for open area devoted to display or sales; for the first 10,000 s.f.; and 1 for each 5,000 s.f., or portion thereof, over 10,000 s.f.; and 1 for each facility vehicle
Food establishments with take-out provisions only	<ul style="list-style-type: none"> 1 for each 200 s.f. of GLA; and 1 for each facility vehicle 4 minimum
General retail	<ul style="list-style-type: none"> 1 for each 250 s.f. of GLA 4 minimum
Restaurants, including drive-ins, cafes, night clubs, taverns, and other similar places where food or refreshment are dispensed	<p>The greater of the following:</p> <ul style="list-style-type: none"> 1 for each 100 s.f. of GLA; or 1 for each 3 fixed seats and/or 1 for every 50 s.f. of floor area where seats may be placed; or 10 minimum
Shopping centers (projects over 200,000 s.f. of floor area)	<ul style="list-style-type: none"> 1 for each 200 s.f. of GLA up to 100,000 sf; and 1 for each 250 s.f. of GLA for square footage above 100,000 s.f.
Wholesale commercial nurseries	<ul style="list-style-type: none"> 1 for each 500 s.f. of display area
Services General	
Beauty and nail salons	<ul style="list-style-type: none"> 2 for each station
Child care centers	<ul style="list-style-type: none"> 1 for each 5 children that the facility is designed to accommodate
Hospital	<ul style="list-style-type: none"> 1 for each 2 patient beds
Medical offices, clinics, veterinary hospital	<ul style="list-style-type: none"> 1 for each 250 s.f. of GLA
Offices, general, financial, business and professional uses	<ul style="list-style-type: none"> 1 for each 250 s.f. of GLA
Personal services	<ul style="list-style-type: none"> 1 for each 250 sq. ft. of GLA
Social care facilities	<ul style="list-style-type: none"> 1 for each 3 residents of the maximum licensed resident capacity



Table 83-15
Minimum Requirements by Land Use

Uses	Number of Spaces Required
Other Uses	
Bed and breakfast	▪ 1 for each guest room
Home occupations	▪ 1 for each nonresident employee in addition to residential requirements
On-Your-Lot builder model home/sales office	▪ 2 per office ▪ 2 for visitors
(1) Twenty-four (24+) linear inches of bench or pew shall be considered a fixed seat. (2) Residential parking spaces shall be located to the rear of the front setback line, except that in the Mountain Region, the parking spaces may be located within the setback areas. Tandem parking is not allowed except in the Mountain Region. Areas outside the driveway in front of the primary structure, whether outside the front yard setback or not, shall not be used for parking. In the Valley and Desert Regions, the covered parking requirement only applies to the RS and RM Land Use Zoning Districts. (3) In dormitories, each 100 square feet shall be considered equivalent to a guest room. (4) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.	

SECTION 31. Subsection 83.11.070(a)(1) of the San Bernardino County Code is amended, in part, by amending Table 83-18, to read:

83.11.070 Development Standards

(a) Minimum parking space sizes and lot dimensions.

(1) . . .

Table 83-18 Minimum Off-Street Parking Dimensions

Angle of Parking (in degrees) (A)	Space Width (in feet) (B)	Space Length (per vehicle) (C)	Space Depth (from curb) (D)	Driveway Width (in feet) (E) ⁽¹⁾
Parallel (0°)	9 ft	19 ft	9 ft	12 ft
45°	9 ft	19 ft	20 ft	14 ft
60°	9 ft	19 ft	21 ft	19 ft
90°	9 ft	19 ft	19 ft	24 ft

(1) Also, see Subsection 83.11.070(h)(3) for additional requirements relative to fire access aisles.

SECTION 32. Subsection 83.11.070(h)(4) of the San Bernardino County Code is amended, to read:

83.11.070 Development Standards

(h) Minimum aisle widths.



Access aisles for multiple-axle trucks in commercial and
m width of 40 feet for projects with a gross floor area of

10,000 square feet or greater or where the design of the project includes a loading dock.
Truck movement templates (i.e., turning radii elements including wheel paths, which define
the needed width of pavement, and the front overhang, which is the zone beyond the
pavement edge that must be clear of obstructions above curb height) shall be included on
the site plan design to indicate turning conditions.

SECTION 33. Subsection 83.11.080(h)(1)(A) of the San Bernardino County
Code is amended, to read:

83.11.080 Landscape Requirements for Parking Areas

(h) Perimeter parking lot landscaping.

(1) Adjacent to streets.

(A) Parking areas adjoining a public street shall be designed to
provide a minimum 15-foot-wide landscaped planting strip between the street right-of-way
and parking area. The Director may grant an exception to this requirement if existing
structures or substandard parcels preclude its implementation. In this case, the maximum
planting strip area shall be provided based on site conditions.

SECTION 34. Subsection 83.13.050(c)(7) of the San Bernardino County Code
is amended, in part, by amending Table 83-22 to read:

83.13.050 On-Site Signs

(c) On-site commercial/industrial complex signs.

**(7) On-site signs in Neighborhood Commercial (CN) land use zoning
district.**

...



Table 83-22

On-Site Signs in Neighborhood Commercial (CN) Land Use Zoning District

Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi- Tenant Complex
Freestanding			
Pole or Pylon	25 ft. maximum height 100 sq. ft. maximum area	25 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height 36 sq. ft. maximum area	4 ft. maximum height 36 sq. ft. maximum area	Sign not allowed
Attached			
Projecting	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total area sq. ft.	150	100	50
Total number	1 Freestanding 1 Attached per Frontage	1 per frontage	1

SECTION 35. Subsection 83.13.050(c)(8) of the San Bernardino County Code
is amended, in part, by amending Table 83-23 to read:

83.13.050 On-Site Signs

(c) On-site commercial/industrial complex signs.

(8) On-site signs in Rural Commercial (CR) land use zoning district.

...

Table 83-23

On-Site Signs in Rural Commercial (CR) Land Use Zoning District

Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi- Tenant Complex
Freestanding			
Pole or Pylon	25 ft. maximum height 100 sq. ft. maximum area	25 ft. maximum height 100 sq. ft. maximum area	Sign not allowed



		4 ft. maximum height 36 sq. ft. maximum area	Sign not allowed
3	Projecting	25 ft. maximum height 50 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	25 ft. maximum height 50 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare
4			Sign not allowed
5	Roof	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed
6			1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
7	Wall	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed
8			1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
9	Total area sq. ft.	150	100
10	Total number	1 Freestanding 1 Attached per Frontage	1

SECTION 36. Subsection 83.13.050(e) of the San Bernardino County Code is amended, in part, by amending Table 83-30 to read:

83.13.050 On-Site Signs

(e) On-site signs in Special Development (SD) land use zoning district.

...

Table 83-30 On-Site Signs in Special Development (SD) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi- Tenant Complex
Freestanding			
Pole or Pylon	25 ft. maximum height 100 sq. ft. maximum area	25 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height 36 sq. ft. maximum area	4 ft. maximum height 36 sq. ft. maximum area	Sign not allowed
Attached			
Projecting	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:2 (bldg. frontage to	Sign not allowed	1:2 (bldg. frontage to sign



	area		area ratio) 50 sq. ft. maximum area
3	Total area sq. ft.	150	100
4	Total number	1 Freestanding 2 Attached per frontage	1 per frontage
5			1

SECTION 37. Subsection 83.13.090(c)(1) of the San Bernardino County Code is amended, to read:

83.13.090 Standards for Specific Type of Signs

(c) Freestanding signs - general.

(1) Unless otherwise specified by this Chapter or a land use zoning district, a maximum of one freestanding sign shall be allowed on each parcel, per frontage. A portion of a new freestanding sign structure, erected after November 1987, shall not be closer than 10 feet to an existing sign.

SECTION 38. Chapter 83.15 is added to Division 3 of Title 8 of the San Bernardino County Code, to read:

Chapter 83.15 Conditional Compliance for Water Quality Management Plans

Sections:

83.15.010 Purpose

83.15.020 Applicability

83.15.030 Quality Control Engineer's Role and Responsibilities

83.15.040 Developer's Deposit

83.15.050 Land Development Engineering Authority

83.15.060 Authority to Contract

83.15.070 Enforcement

83.15.010 Purpose

The purpose of this Chapter is to ensure compliance with conditions of approval on projects involving Water Quality Management Plan features.

83.15.020 Applicability

y to projects when a Water Quality Management Plan is

83.15.030 Quality Control Engineer's Role and Responsibilities

(a) Independent. The quality control engineer shall not be employed by, have any relationship to, or interest in the developer, or any contracting, engineering, or geotechnical companies performing work on or providing services to the project being inspected.

(b) Duties and responsibilities. The quality control engineer shall

(1) Inspect the work in progress to ensure compliance with the conditions of approval for Water Quality Management Plan's site design, source control and treatment control features.

(2) Set provisions regarding Water Quality Management Plan compliance.

(3) Report to and file reports with the Department of Public Works, Land Development Engineering Division Chief relative to Water Quality Management Plan compliance.

83.15.040 Developer's Deposit

(a) Deposit required for services of quality control engineer. Before the issuance of building permits and where a Water Quality Management Plan is required, the developer shall post a deposit with Department of Public Works, Land Development Engineering Division in the amount and in the form specified by that Division. The deposit funds held in trust shall be dispersed to the quality control engineer by the Land Development Division under the terms of the agreement between the County and the quality control engineer to pay for the services of the quality control engineer.

(b) Additional deposits required. The Land Development Engineering Division shall notify the developer if and when it becomes apparent that the deposit will be exhausted and the developer shall make the additional deposit as is required by the Land Development Division.



ation of grading permit. If the developer fails to submit
specified by the Land Development Engineering Division,

the Land Development Division shall suspend or revoke the development permit, in
compliance with the provisions of this code and order that work on the project be ceased.

(d) **Refunds.** Upon completion of the work, unused funds shall be returned to the
developer within 60 days following the quality control inspection approvals.

83.15.050 Land Development Engineering Division Authority

The Land Development Engineering Division shall have authority to adopt reasonable rules
and regulations to clarify, interpret, and enforce the provisions of this Chapter. The Land
Development Engineering Division may approve variations when the variations are not
detrimental to the life, health, safety or welfare of the public and are necessary because of
particular or peculiar circumstances, and will achieve the same level of protection as the
original condition.

83.15.060 Authority to Contract

For the purpose of the Chapter, the Land Development Engineering Division may retain, on
behalf of the County, independent engineers to serve as the quality control engineer on
projects regulated by this Chapter using a standard form contract approved by the Board of
Supervisors.

83.15.070 Enforcement

(a) **Authority to enforce.** The Land Development Engineering Division shall
have the authority to enforce the provisions of this Chapter and may use any legal means
to accomplish enforcement, including

(1) Suspending and/or revoking any permits that have been issued by the
Building Official for the project, and

(2) Withholding issuance of any permits on the project for which
applications have been filed.

(b) **Authority to expend deposited funds.** The Land Development Engineering
Division shall have the authority to expend any remaining funds in the developer's deposit
to obtain compliance with this Chapter.

Section 84.01.050(b) of the San Bernardino County Code is

amended, to read:

84.01.050 Residential Accessory Structures and Uses

(b) Guest housing. Guest housing shall be located on the same parcel as the primary dwelling unit and shall be separated from it by at least 10 feet. Guest housing shall be for use by temporary guests of the occupants of the primary dwelling unit and shall not be rented or otherwise used as a separate dwelling. Only one guest house shall be allowed. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the guest housing unit shall not extend in front of the primary structure.

SECTION 40. Subsection 84.04.050(d)(8) of the San Bernardino County Code is amended, to read:

84.04.050 Commercial Kennels and/or Catteries

(d) Standards and permit requirements for breeding operations within RC, AG or RL Land Use Zoning Districts.

(8) Setbacks. All animals shall be maintained at least 70 feet, measured in a straight line, away from any structure or area used for human habitation or public assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.

SECTION 41. Subsection 84.04.050(e)(8) of the San Bernardino County Code is amended, to read:

84.04.050 Commercial Kennels and/or Catteries

(e) Standards and permit requirements for breeding operations within commercial or industrial districts.

animals shall be maintained at least 70 feet, measured in
structure or area used for human habitation or public
assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation
shall not include cabanas, patios, attached or detached private garages or storage
buildings.

SECTION 42. Subsection 84.04.060(c)(4) of the San Bernardino County Code
is amended, to read:

84.04.060 Private Kennels and/or Catteries

(c) Standards.

(4) Setbacks. All animals shall be maintained at least 70 feet, measured in
a straight line, away from any structure or area used for human habitation or public
assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation
shall not include cabanas, patios, attached or detached private garages or storage
buildings.

SECTION 43. Subsection 84.04.070(e) of the San Bernardino County Code is
amended, to read:

84.04.070 Animal Keeping Allowed as Primary Use

(e) Standards. The standards in Table 84-3 (Animal Keeping Allowed as Primary
Use) shall apply to all animal keeping allowed as a primary use. Densities shall be based
upon the total area of the subject property regardless of structures on-site or setback
requirements.

SECTION 44. Subsection 84.04.070(f) is added to Chapter 84.04 of Division 4 of
Title 8 of the San Bernardino County Code, to read:

84.04.070 Animal Keeping Allowed as Primary Use

**(f) Conditional Use Permit requirement for different densities and animal
types.** Primary animal keeping of densities greater than, or of animal types different from,

Keeping Allowed as Primary Use) shall be subject to a

Table 84-3
 Animal Keeping Allowed as Primary Use

Animal Type	Animal Density Per Square Foot		
	Land Use Zoning Districts and Overlay		
	RC RL	FW SD	AG
Animal keeping as accessory use	See Table 84-5		See Table 84-5
Aviary, apiary, or similar small animal farms	½ acre minimum		½ acre minimum
Cattle or buffalo	1/10,000		1/6,000
Fish raising	1 pond/acre Maximum pond size = ½ surface acre in area Maximum 4 ponds per parcel		
Horses	1/10,000		1/6,000
Hogs (9 maximum)	1/20,000		1/12,000
Sheep, female goats, and similar livestock	1/4,000		1/3,000
Male adult goats (4 maximum) Parcel less than 10 acres 10 acres and above	1 1/5 acres		1 1/5 acres
Rabbits and chinchillas (200 maximum) (Minimum parcel = ½ acre)	50/10,000		50/10,000
Poultry (Minimum parcel = ½ acre) Female	Less than 1 acre 1 to less than 10 acres 10 acres and above	25 99 99/10 acres	If parcel less than 5 acres, then 99. If 5 acres and above, then 99/5 acres
Male (9 maximum) (Roosters, drakes, ganders, etc.)	Less than 10 acres 10 acres and above	2/genus/parcel 2/genus/5 acres	2/genus/parcel 2/genus/5 acres
Ostriches and emus	1/4,000		1/4,000
Alpacas and llamas	1/4,000		1/4,000

SECTION 45. Subsection 84.04.090(b)(1) of the San Bernardino County Code is amended, to read:

84.04.090 Animal Keeping Allowed as Accessory Use

(b) Setbacks.

(1) Distance from structures for human habitation or assembly. All animals, other than cats, dogs, canaries or birds of the *psitacinae* family, shall be



placed in a straight line, away from any structure or area
public assembly (e.g. parks, churches, etc.) on adjoining
property. The area of human habitation shall not include cabanas, patios, attached or
detached private garages or storage buildings.

SECTION 46. Subsection 84.04.090(h) of the San Bernardino County Code is
amended, to read:

84.04.090 Animal Keeping Allowed as Accessory Use

(h) Standards. The standards in Table 84-5 (Animal Keeping Allowed as
Accessory Use) shall apply to all animal keeping allowed as an accessory use. Densities
shall be based upon the total area of the subject property regardless of structures on-site or
setback requirements.

SECTION 47. Subsection 84.05.030(b) of the San Bernardino County Code is
amended, to read:

84.05.030 Types of Bed and Breakfast Uses

(b) Characteristics of types of bed and breakfast uses. See Table 84-6
(Standards for Bed and Breakfast Uses) in Subsection 84.05.050(h) (Development
Standards- Design standards), below.

SECTION 48. Subsection 84.08.040(e) of the San Bernardino County Code is
amended, to read:

84.08.040 Development Standards

(e) Floor area.

(1) Units on parcels less than 2½ acres in area. A dependent housing
unit shall have a maximum floor area of 840 square feet and a minimum floor area of 400
square feet when located on a parcel in a land use zoning district that requires parcels that
are less than 2 and one-half acres in area.



3 parcels 2½ acres in area or greater. A dependent housing
4 area of 1,600 square feet and a minimum floor area of 400
5 square feet when located on a parcel in a land use zoning district that requires parcels that
6 are 2 and one-half acres in area or greater.

7 SECTION 49. Chapter 84.16 of the San Bernardino County Code is amended,
8 to read:

9 **Chapter 84.16 Multi-Family Residential Development Standards**

10 **Sections:**

11 **84.16.010 Purpose**

12 **84.16.020 Applicability**

13 **84.16.030 Processing**

14 **84.16.040 Development Standards Applicable to All Multi-Family Projects**

15 **84.16.050 Development Standards for Multi-Family Projects - Four To 19 Units**

16 **84.16.060 Development Standards for Multi-Family Projects - 20 or More Units**

17 **84.16.070 Common Amenities and Facilities - Four or More Units**

18 **84.16.080 Design Guidelines for Multi-Family Projects - 20 or More Units**

19 **84.16.010 Purpose**

20 The purpose of this Chapter is to provide development standards for the establishment of
21 new multi-family residential projects. The standards are intended to:

22 (a) Enhance the quality of housing for County residents by regulating a
23 residential environment within a high-density context;

24 (b) Protect surrounding properties and their values by requiring proper design
25 and maintenance of the multi-family project; and

26 (c) Ensure compatibility with other development in the immediate area through
27 the use of complementary building arrangements, buffers, and avoidance of overwhelming
28 building scale and visual obstructions.

84.16.020 Applicability



Chapter shall apply to multi-family residential projects in
are allowed in compliance with Division 2 (Land Use

Zoning Districts and Allowed Land Uses). Multi-family residential projects shall include
projects in which two or more attached or detached dwelling units are located. Multi-family
residential projects may include apartments or condominiums.

84.16.030 Processing

(a) Multi-family projects - 19 units or fewer. A Building Permit for a proposed
multi-family development of 19 units or fewer shall be issued by the Building Official with an
approved building plan if the project complies with the requirements in this Chapter. Upon
receipt of an application for a proposed multi-family development of 19 units or fewer, the
Building Official may refer the application to the Director for review. If referred, the Director
shall review each application to verify compliance with the applicable standards in this
Chapter.

(b) Multi-family projects - 20 to 49 units. An application for a Minor Use Permit
for a multi-family development of 20 to 49 units may be approved in compliance with
Chapter 85.06 (Conditional Use Permit/Minor Use Permit) in the following instances:

(1) If a finding can be made that the proposed development complies with
the standards in this Chapter; or

(2) If a Variance has been approved in compliance with Chapter 85.17
(Variances).

(c) Multi-family projects - 50 units or more. An application for a Conditional
Use Permit for a multi-family development of 50 units or more may be approved in
compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit) in the following
instances:

(1) If a finding can be made that the proposed development complies with
the standards in this Chapter; or

(2) If a Variance has been approved in compliance with Chapter 85.17
(Variances).

ference. An applicant may request a pre-application
to determine the consistency of a proposed multi-family project

with the requirements of this Chapter.

84.16.040 Development Standards Applicable to All Multi-Family Projects

The standards in this Section shall apply to all multi-family development projects.

(a) Site planning standards.

(1) Location of structures. All multi-family structures shall be oriented so that:

(A) The structure and open space areas take advantage of the site's topography and natural features.

(B) Natural amenities (e.g., views, mature trees, creeks, riparian corridors, etc.) are preserved.

(2) Location of accessory structures. Accessory structures or uses (e.g., swimming pools, improved recreational/open spaces, storage structures, etc.) shall not be located between an adjacent public right-of-way and a multi-family structure, or between a property line abutting a single-family land use zone and a multi-family structure. The accessory structures and uses shall be located within the interior of the site, screened from view by the multi-family structure(s), unless adjacent to parcels zoned for multi-family or non-residential uses.

(3) Minimum separation between structures. The separation distances identified in Table 84-9 (Minimum Separation Between Multi-Family Structures) shall apply to parcels containing two or more dwelling units that are in separate detached structures. The separation shall be between opposite exterior walls. Walls shall be considered opposite if a perpendicular line drawn in a horizontal plane from one structure intersects another structure's wall. The front side of a unit is the side containing the primary entrance to the dwelling unit. See Figure 84-2 (Minimum Separation Between Multi-Family Structures).

Table 84.9
Minimum Separation Between Multi-Family Structures



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	Minimum Separation (ft.)	Figure Symbol
Side-to-Side	10	A
Rear-to-Rear	15	B
Front-to-Rear	20	C
Front-to-Front or Interior Court Space	25	D
All Others	20	E

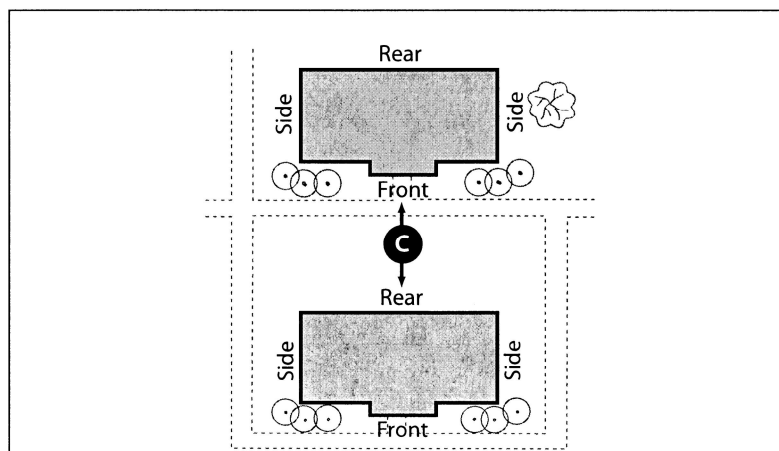
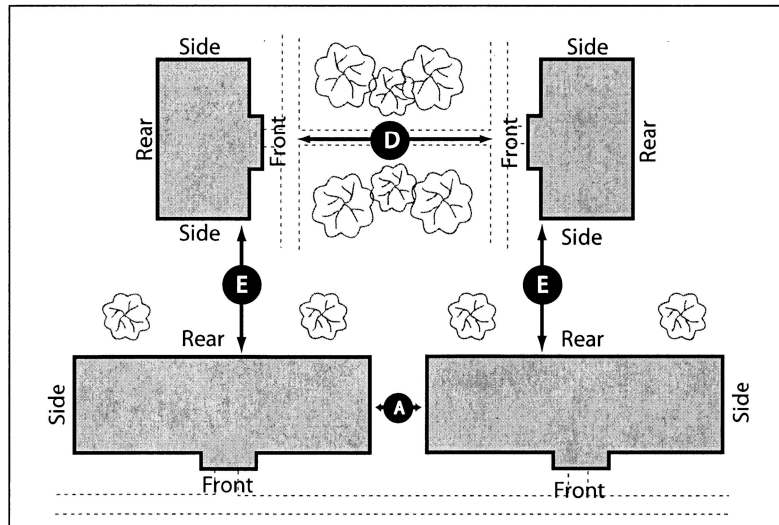
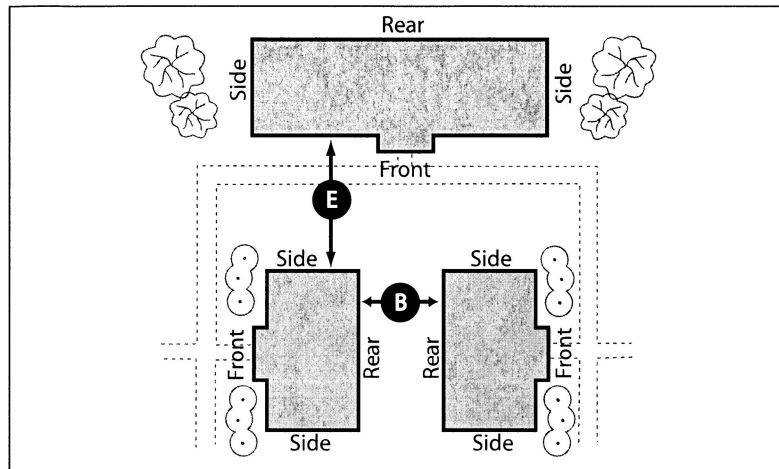


Figure 84-2
Minimum Separation Between Multi-Family Structures

(4) Setbacks. Setbacks shall be as provided in Division 2 (Land Use Zoning Districts and Allowed Land Uses), except as modified by the minimum setback standards in Table 84-10 (Minimum Setbacks for Multi-Family Structures):

Table 84-10
Minimum Setbacks for Multi-Family Structures

Location of Multi-Family Structure	Minimum Side and Rear Setback of Multi-Family Structure
Adjacent to parcel in single-family land use zoning district	One foot setback for each one foot of multi-family structure height
Adjacent to a IR (Regional Industrial) land use zoning district, AG (Agriculture) land use zoning district, or mining operations	75 foot setback

(b) Design.

(1) Entries. Building entrances and individual dwelling unit entries shall be accentuated by architectural elements, lighting, and/or landscaping to further emphasize their private nature.

(2) Disabled accessibility. Where appropriate, handicapped accessibility shall be integrated into the design concept.

(3) Length/width of structure. A multi-family structure shall not exceed 100 feet in length/width.

(4) Visibility. Open spaces, courtyards, circulation corridors, and individual dwelling unit entrances shall be visible from as many dwelling units as possible.

(c) Typical dwelling unit sizes. Dwelling units shall be the minimum sizes indicated in Table 84-11 (Minimum Dwelling Unit Sizes in Multi-Family Development):

Table 84-11

Minimum Dwelling Unit Sizes in Multi-Family Development

Dwelling Unit Type	Minimum Size Gross Floor Area in Square Feet
Efficiency	450
1 bedroom	650
2 bedroom	850
3 bedroom	1050
4+ bedroom	1200

(d) Density and unit type mix. A variety of unit types is encouraged (i.e., efficiency, one-bedroom, two bedroom, etc.) to provide a range of options for owners or renters in different income, age, and family structure categories.

(e) Fencing. A solid six-foot high fence of wood and/or masonry shall be installed along the property lines but shall not encroach into the front or street side setbacks. Additional fencing in compliance with Chapter 83.06 (Fences, Hedges, and Walls) may be installed.

(f) Landscaping. Landscaping shall comply with the provisions of Chapter 83.10 (Landscaping Standards). In addition, the property owner shall maintain all landscaping in a sustained healthy condition.

(g) Lighting. Lighting shall comply with the provisions of Chapter 83.07 (Glare and Outdoor Lighting).

(h) Parking. Parking areas, parking stalls, and driveways shall comply with the provisions of Chapter 83.11 (Parking and Loading Standards). Storage of boats, campers, trailers and other recreational vehicles shall be prohibited on-site unless oversize parking areas are provided and designated. These areas shall be screened from adjacent streets and residences. Recreational vehicle parking may not be used to meet the standard parking requirements.



ements. A Building Permit shall not be issued for the
tial dwelling(s) unless all of the following infrastructure

requirements are satisfied for an existing lot of record:

(1) Proof of legal and physical access.

(2) Infrastructure as determined by the Land Development Engineering
Section of the Public Works Department depending on the location of the parcel to be
developed. This may include, but not limited to, any of the following: paved access, curbs
and gutters, sidewalk, streetlights, and/or appropriate drainage improvements.

(3) Water.

(A) Water purveyor. Required when in the service area of a water
purveyor and the purveyor can supply the water.

(B) Substantiated well water. If the subject parcel is not within the
service area of a water purveyor, well water may be allowed if all required setbacks are
met.

(4) Sanitation:

(A) Sewer. Required when in the service area of a sewer provider
and the subject parcel is within 200 feet of the sewer line.

(B) Septic systems/holding tanks. Allowed in compliance with the
local Regional Water Quality Control Board regulations.

(5) Fireflow. Adequate fireflow in compliance the Uniform Fire Code and
with Section 23.018 (Amendments to the Uniform Fire Code) of the County Code.

84.16.050 Development Standards Applicable for Multi-Family Projects – Four to 19 Units

The standards in this Section apply to all multi-family development projects that contain
between four and 19 dwelling units. The units may be either attached or detached. These
standards are in addition to the standards in Section 84.16.040 (Development Standards
Applicable to All Multi-Family Projects) and Section 84.16.070 (Common Amenities and
Facilities . Four or More Units), below.

(a) Location of structures. All multi-family structures shall be oriented so that:

is generally parallel to the street with varying setbacks creating shadow patterns. On corner parcels, both street-facing facades are generally parallel to the intersecting streets. See Figure 84-1 (Siting of Multi-Family Structure(s) Parallel to Public Right-of-Way). On curvilinear streets, the front facade of a structure is generally parallel to the tangent of the midpoint of the arc of the street.

- (2) Living spaces do not face the living spaces of another multi-family structure.
- (3) Courtyards and open space areas are immediately adjacent to all the surrounding units.
- (4) Sight lines from windows and entries maximize natural surveillance of the site and the parking areas.

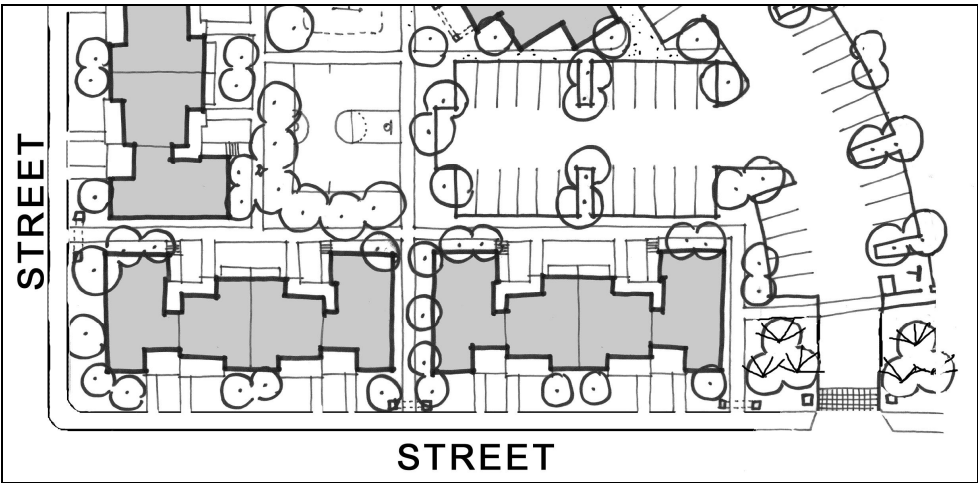


Figure 84-1
Siting of Multi-Family Structure(s) Parallel to Public Right-of-Way

(b) Hierarchy of space. Development design shall use a hierarchy of space to define territory for public space (e.g., streets), community space (e.g., common open space, play areas, communal laundry, community center, etc.), and private space (e.g., individual units and private open space). The use of design elements to define the public/private edge (e.g., special paving, change in building materials, grade separations, etc.) or physical



low retaining walls, walls, screens, building enclosures,
4-3 (Design Elements Establish Hierarchy of Space).



Figure 84-3
Design Elements Establish Hierarchy of Space

(c) **Lighting.** Lighting shall comply with the provisions of Chapter 83.07 (Glare and Outdoor Lighting).

(1) **Security.** Lighting levels shall vary depending on the specific use and conditions, but the overall consideration shall be to provide lighting levels sufficient that intruders cannot lurk in shadows, steps and other grade changes are apparent, residents can easily unlock their door or identify visitors on their doorstep, and opportunities for theft and vandalism are reduced or eliminated.

(2) **Street lighting.** Street lighting shall be installed along the internal circulation streets. Lighting shall be designed to shine downward and eliminate skyward glare in compliance with Chapter 83.07 (Glare and Outdoor Lighting). Light standards shall be residential/pedestrian in scale and be spaced appropriately for the fixture, type of illumination, and pole height.

(3) **Parking area lighting.** Lighting in parking areas shall be arranged to prevent direct glare into adjacent dwelling units and onto neighboring uses/properties in compliance with Chapter 83.07 (Glare and Outdoor Lighting).

Lighting. Pedestrian-scaled lighting shall be located along
ent. Light standards shall be a maximum of 12 feet in

height to allow proper illumination, discourage vandalism, and have a pedestrian scale.

(5) **Site lighting.** Site lighting may be located on a multi-family structure to
illuminate site areas not covered by individual light standards.

(d) **Parking.**

(1) **Parking standards.** Parking areas, parking stalls, and driveways shall
comply with the provisions of Chapter 83.11 (Parking and Loading Standards).

(2) **Distance between parking area and dwelling units.** Parking areas
shall be located no further than 200 feet from the dwelling units to be served as measured
from the midpoint of the parking areas to the closest entrance doors of the dwelling unit to
be served.

(3) **Pedestrian accessway.** Parking areas shall be designed so that an
unobstructed pedestrian accessway at least four feet in width is provided between the
public right-of-way and the parking area.

(4) **Carports and/or garages.** At least one of the parking spaces required
for each dwelling unit in Table 83-15 (Parking Required by Land Use) shall be covered
(i.e., carport or garage)

(A) **Design.**

(I) Detached carports and garages shall be designed to
reflect the architecture of the dwelling units by using similar forms, scale, colors, materials,
and roof pitches.

(II) Roofs composed of rock material shall be prohibited.

(III) The side of a detached garage that faces a street shall
have a pitched roof with windows or other architectural details that mimic the features of the
multi-family structure(s).

(B) **Distribution and location.**

(I) Carports and/or garages shall be distributed evenly
throughout the project in groupings of no more than six covered spaces.

carport and garage entries shall not be located between required street frontage, but shall instead be located in groups on the interior of a parcel so that they are not visible from adjacent streets.

(III) No more than six garage doors shall appear on any elevation of a multi-family structure. The plane of each garage door shall be offset at least two feet from the plane of the garage door adjacent to it.

(C) Storage. Carports and garages shall be utilized for vehicle parking and not for household storage. Storage shall be provided as required by Subsection (g) (Storage), below.

(e) Security.

(1) Doors to community facilities. Doors to community facilities (e.g., communal laundry, community center, etc.) shall contain some transparency and be key-controlled by residents. Courtyard gates and shared building entrances that access individual units shall automatically lock when closed.

(2) Doors for dwelling units. Front doors for individual dwelling units shall have a peephole or other feature to allow residents to see who is at the door before opening it. To prevent break-ins, doorknobs shall be at least 40 inches from any windowpane. Single cylinder dead bolt locks shall be installed on the exterior doors of all individual dwelling units. Sliding glass doors shall have one permanent door on the outside and the inside moving door shall have a locking device and a pin.

(f) Solid waste/recyclable material storage areas. Solid waste/recyclable material storage areas shall be clearly designated on the plot plan. The areas shall be clearly accessible for pickup and shall be effectively screened from public view in compliance with Chapter 84.24 (Solid Waste/Recyclable Materials Storage). Waste disposal pickup bins (dumpsters) shall not occupy required parking spaces nor intrude into required access driveways.

(g) Storage.

(1) Private storage space. Each dwelling unit shall be provided a minimum of 150 cubic feet of private enclosed storage space in addition to the parking area



ed, or immediately adjacent to the dwelling unit. Private
prohibited in carports.

(2) **Bicycle/motorcycle storage area.** All multi-family projects shall provide covered, enclosed, and secure storage areas for bicycles and motorcycles. Motorcycle spaces shall be at least four feet by eight feet.

(3) **Design.** Storage and other accessory structures shall be designed with materials and/or architectural elements that are similar to the multi-family structure(s).

(h) **Open space - common.**

(1) **Minimum size and dimensions.** A minimum 900 square feet of usable common open space shall be provided for active or passive outdoor activity. For every dwelling unit above nine, an additional 100 square feet of usable common open space shall be provided. Usable common open space is defined as an open area or recreational amenity or facility that is designed and intended to be used for outdoor living and/or recreation. Usable open space shall have a minimum dimension of 30 feet in any direction. A multi-family development shall not be located adjacent to an IR (Regional Industrial) land use zoning district, AG (Agriculture) land use zoning district, or mining operations unless the common open space constitutes 60 percent or more of the parcel and is designed to buffer the industrial, agricultural or mining uses.

(2) **Calculation of area.** Required front, rear, and side setback areas along streets, driveways, parking areas, and walkways shall not be used to satisfy any part of the common open space requirement.

(3) **Amenities.** The common open space area shall include amenities indicated in Section 84.16.050 (Common Amenities and Facilities).

(i) **Open space - private.** A minimum of 100 square feet of private open space (e.g., patios, balcony, decks, etc.), a minimum of six feet in width, shall be provided for each dwelling unit. Required private open space areas shall not be used to satisfy any part of the common open space requirement. Enclosure of private open space shall not prevent common open space surveillance by the residents.

full-time resident manager shall be required for multi-
ling units.

(k) **Common amenities and facilities.** Common open space amenities and laundry facilities shall be provided in compliance with Section 84.16.050 (Common Amenities and Facilities).

84.16.060 Development Standards for Multi-Family Projects – 20 or More Units

The standards in this Section apply to multi-family development projects that contain 20 or more dwelling units. These standards are in addition to the standards in Section 84.16.040 (Development Standards Applicable to All Multi-Family Projects) and the guidelines in Section 84.16.080 (Design Guidelines for Multi-Family Projects - 20 or More Units).

(a) **Open space - common.**

(1) **Minimum size and dimensions.** In lieu of the provisions of Subsection 84.16.050(h)(1), the following shall apply for common open space for multi-family projects with 20 or more units: A minimum 900 square feet of usable common open space shall be provided for active or passive outdoor activity. For every dwelling unit above seven, an additional 125 square feet of usable common open space shall be provided. Usable common open space is defined as an open area or recreational amenity or facility that is designed and intended to be used for outdoor living and/or recreation. Usable open space shall have a minimum dimension of 30 feet in any direction. A multi-family development shall not be located adjacent to an IR (Regional Industrial) land use zoning district, AG (Agriculture) land use zoning district, or mining operations unless the common open space constitutes 60 percent or more of the parcel and is designed to buffer the industrial, agricultural or mining uses.

(2) **Calculation of area.** Required front, rear, and side setback areas along streets, driveways, parking areas, and walkways shall not be used to satisfy any part of the common open space requirement.

(3) **Amenities.** The common open space area shall include amenities indicated in Section 84.16.050 (Common Amenities and Facilities).

2. A minimum of 125 square feet of private open space a minimum of six feet in width, shall be provided for each dwelling unit. Required private open space areas shall not be used to satisfy any part of the common open space requirement. Enclosure of private open space shall not prevent common open space surveillance by the residents.

(c) **On-site manager.** A full-time resident manager shall be required for all multi-family projects with 20 or more dwelling units.

(d) **Management office.** A separate management office shall be required for all multi-family projects of 20 or more dwelling units. If applicable, the management office shall be located in a central, visible location. See Figure 84-5 (Management Office in Central Location.).



**Figure 84-5
Management Office in Central Location**

(e) **Signs.**

(1) Clear legible entry signs shall be provided to identify the development. Internal circulation signs and visitor parking areas shall also be clearly indicated. A directory that shows the location of structures and individual dwelling units within the development shall be provided. Professionally designed, creative signs are strongly encouraged

ers and individual unit numbers shall be readily visible,
at night, and compatible with the overall design of the

residential project.

84.16.070 Common Amenities and Facilities – Four or More Units

(a) Types of required amenities. All multi-family projects shall provide the amenities indicated in Table 84-12 (On-Site Recreation Amenities for Multi-Family Projects). The developer shall select the amenities to be provided. Recreational amenities shall be designed to serve the anticipated inhabitants of the residential project.

(b) Minimum type/number of amenities. The required minimum type and/or number of recreational amenities shall be based on the total number of dwelling units within a multi-family project as follows and in compliance with Table 84-12 (Minimum On-Site Recreation Amenities for Multi-Family Projects):

- (1) Five to nine units: A minimum of two amenity points from any category.
- (2) Ten to 19 dwelling units: A minimum of three amenity points from any category, with a maximum of one amenity allowed from the one-point category.
- (3) Twenty to 49 dwelling units: A minimum of five amenity points from any category, with a maximum of one amenity allowed from the one-point category.
- (4) Fifty to 99 dwelling units: A minimum of seven amenity points, including at least one amenity from the four-point category.
- (5) One hundred or more dwelling units: A minimum of ten amenity points, including at least two amenities from the four-point category, plus one additional amenity from the two-point, three-point, or four-point categories for each 50 dwelling units beyond 100.

Table 84-12

Recreation Amenities for Multi-Family Projects

Amenity Point Category	Type of Amenity
One-Point Amenities	Bowling green Cabana or Shade trellis area Open space turf areas Passive water feature (e.g. fountain) Picnic/barbeque area Shuffleboard Tot lots (2-5 year olds; 1 or 2 activities minimum) Tree Grove Passive recreation area and/or gardens
Two-Point Amenities	Bridle paths Children's playground (Combined for age group 2-5 and age group 5-12) 1/2 court basketball (one hoop)** Community garden plots with water service Outdoor racquetball/handball tilt-up wall Putting Green Sauna Volleyball court Water feature (pond, creek area)
Three-Point Amenities	1/2 scale Soccer Field Basketball Court (2 hoops)** Child wading pool Restroom area Sports Court Tot lots (age appropriate play equipment/ 3 activities minimum)
Four-Point Amenities	Child care facility Exercise room Indoor racquet sports court Par 3 course and/or pitch and putt golf course Recreation hall/club house Softball Field Swimming pool Tennis court**

** Solid impervious surface shall be required.

(c) **Thresholds for allowable densities.** The maximum density of a multi-family project shall be calculated based upon the total number of points accumulated for the amenities provided as indicated in Table 84-13 (On-Site Recreational Amenities - Thresholds for Allowable Densities):

Table 84-13

On-Site Recreational Amenities Thresholds for Allowable Densities

ove)	Percent of Maximum Allowed Density (Based on 20 dwelling units/acre)
2 points	75%
4 points	85%
8 points	100%

(d) **Location of amenities.** Common open space amenities shall be provided immediately adjacent to the dwelling units for purposes of enjoyment and security.

(e) **Community room or structure.** A multi-family project shall provide a community room or structure in compliance with Table 84-14 (Minimum Size of Community Room or Structure).

Table 84-14 Minimum Size of Community Room or Structure	
Number of Dwelling Units	Minimum Size (Sq. Ft.)
2 to 12	None required
13 to 19	800
20 to 29	1,200
50+	1,500

(f) **Similar amenities.** The applicable review authority (i.e., Building Official or Commission, as applicable) may approve a proposed amenity not listed in Table 84-12 (Minimum On-Site Recreation Amenities for Multi-Family Projects) if the proposed amenity meets the needs of the project residents at a similar level.

(g) **Common laundry room facilities.**

(1) **Laundry room facility required.** All multi-family projects shall provide a common laundry room facility equipped with washers and dryers at the ratio of one washer and one dryer for every five dwelling units. The fractional/decimal results of calculations of the required number of washers and dryers shall be rounded up to the next highest whole number.

(2) **Reduction in number of required washers and dryers.** If a multi-family project provides washer and dryer hook-ups within one or more dwelling units, the total number of required washers and dryers in a common laundry facility shall be reduced.



be calculated at the ratio of one washer and one dryer for
equipped with their own washer and dryer hook-ups.

(3) Location and features. A common laundry room facility shall be located adjacent to a children's play area to facilitate supervision. Doors and walls shall have windows to allow natural surveillance both into the laundry room and outside to the surrounding area. See Figure 84-4 (Laundry Room Location and Features).

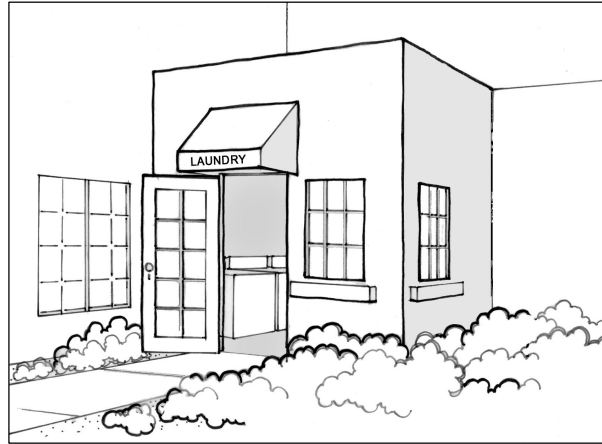


Figure 84-4
Laundry Room Location and Features



for Multi-Family Projects – 20 or More Units

design of multi-family residential structures and outdoor spaces can contribute to a dynamic, visually rich environment that promotes social interaction, fosters community pride, and instills feelings of safety and security. These design guidelines are intended to achieve the following objectives:

- (1) Establish multi-family residential architectural designs that complement various neighborhood characteristics and that support high quality development.
- (2) Identify landscape materials and designs that enhance the appearance of multi-family residential developments and contribute to the overall quality of the community.
- (3) Provide for amenities appropriate to the demographics of multi-family residential projects within an area.
- (4) Apply the principles of Crime Prevention Through Environmental Design (CPTED) to enhance safety and security within multi-family residential development projects.
- (5) Establish criteria to ensure quality property management.

(b) Site planning.

(1) **Context.** Multi-family residential development successfully contributes to the overall community when relationships with the existing and planned land uses, development patterns, and context are considered.

(A) New multi-family projects should respect the context of the existing neighborhood, reflect its best design features, and generally be compatible with the character of existing high quality development while still fulfilling the intent of the standards identified within this Chapter.

(B) Existing site amenities (e.g., views, mature trees, and similar natural features unique to the site) should be preserved and incorporated into residential projects whenever possible.

(C) New multi-family residential projects should be compatible with residential development in the immediate area through the use of complementary structure

dance of overwhelming structure scale and visual

(D) Where appropriate, new landscaping should complement existing landscape materials, location, and massing on adjacent developments.

(E) Developments should relate directly to the adjacent street, present an attractive and interesting facade to passersby, and appear inviting. Developments that ignore the street and create an isolated enclave are strongly discouraged. See Figure 84-6 (Dwelling Unit Oriented to Street).



Figure 84-6
Dwelling Unit Oriented to Street

(2) Siting. Appropriate structure siting can reduce the perceived density of multi-family projects, maximize open space areas, provide eyes on the street+surveillance, and enhance neighborliness by creating community gathering spaces.

(A) A multi-family structure should be oriented to a street in compliance with Subsection 84.16.060(a)(1)(A) (Site planning standards).

(B) In addition to a street orientation, the clustering of multi-family dwelling units should be a consistent site planning element of the plan. Whenever possible, structures should be configured around courtyards, gathering areas, and open spaces. See Figure 84-7 (Clustering of Multi-Family Dwelling Units).

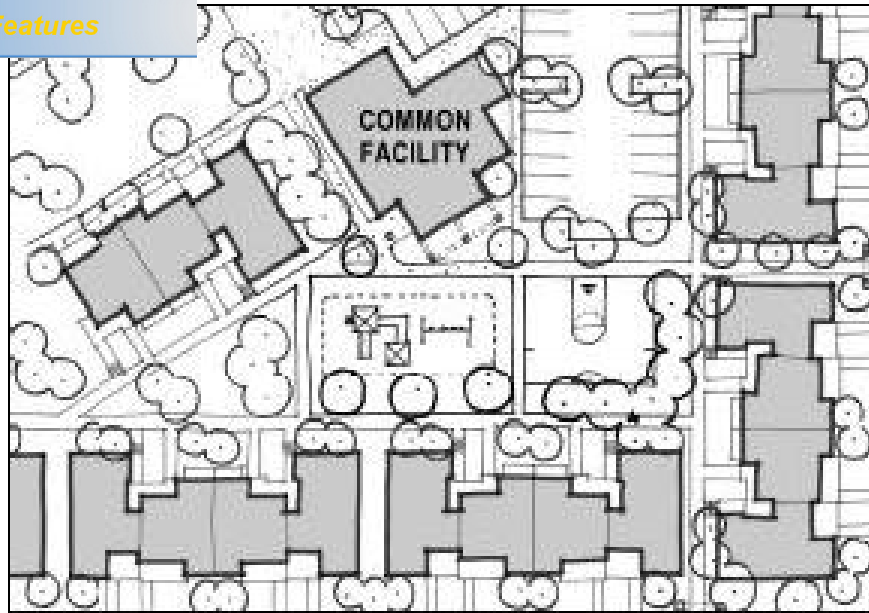


Figure 84-7
Clustering of Multi-Family Dwelling Units

(C) Portions of the project that are not oriented to the street should be well integrated into the project's overall site design. As with the street-oriented area of the project, the same design considerations should be given to siting, appearance, circulation, landscaping, and safety issues.

(D) Structures should be oriented to provide some privacy yet still relate to the street and the existing community. Doors should be visible from the street and windows should allow residents to have "eyes on the street" for natural surveillance. See Figure 84-8 ("Eyes on the Street").



Figure 84-8
“Eyes on the Street”

(E) Energy efficiency and energy conservation should be considered in structure siting. Structures should be oriented to take advantage of prevailing breezes for cross ventilation of individual dwelling units, reduce the need for mechanical air conditioning, and to enhance the functionality of ceiling fans.

(3) Open space.

(A) Residents should have access to useable open space for recreation and social activities. Open spaces should be conveniently located. See Figure 84-9 (Access to Open Space)



Figure 84-9
Access to Open Space

(B) Open space areas should be sheltered from the noise and traffic of adjacent streets or other incompatible uses. Open space siting should take advantage of prevailing breezes and sun orientation in order to provide a comfortable environment.

(C) Open space areas should have well-defined edges (e.g., walkways, structures, or landscaping).

(D) A series of connected open space areas of varying shape, appearance, and usage are encouraged. Smaller areas may directly relate to a cluster of units, while the larger areas may serve several clusters as common open space. See Figure 84-10 (Connected Open Spaces).

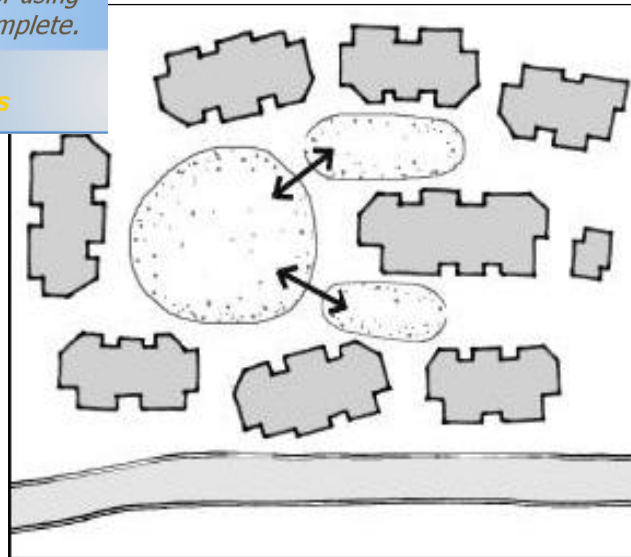


Figure 84-10
Connected Open Spaces

(4) Outdoor play areas.

(A) Hard surface areas for activities (e.g., bicycle riding, skating, rope jumping, hopscotch, etc.) should be provided. These active play areas should be safely separated from vehicular use areas.

(B) The physical capabilities and play behavior of various age groups (i.e., tots, older children, and teens) are different. In large developments, separate, but not necessarily segregated, play areas or informal outdoor spaces should be provided for each group for safety reasons. Small developments may combine these play areas (i.e., tot lot incorporated into the larger activity area for older children). See Figure 84-11 (Play Areas for Different Ages).

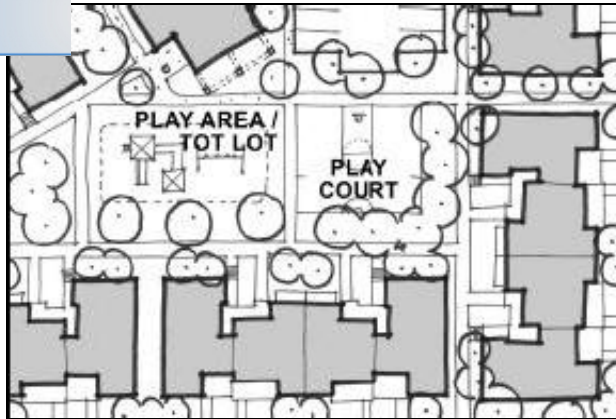


Figure 84-11
Play Areas for Different Ages

(C) Seating areas should be provided where adults can supervise children's play and also where school-age children can sit. Seating location should consider comfort factors (e.g., sun orientation, shade, wind, etc.).

(c) Architecture.

(1) Overall character

(A) Where the neighborhood has a recognizable architectural theme, style, or character, it should be considered for incorporation into the project's design.

(B) To create a unified appearance, all support structures in the project (e.g., laundry facilities, recreation structures, carports, garages, and the management office) should be compatible in architectural design with the rest of the development.

(2) Structure scale and height.

(A) Structures should incorporate smaller-scale architectural forms (e.g., bays, recessed or projecting balconies, and dormers) in order to visually reduce the height and scale of the structure and emphasize the definition of individual units. Architectural elements (e.g., bay windows, porches, projecting eaves, awnings, and similar elements) that add visual interest to the development are strongly encouraged.

to scale down+ facades that face the street, common al structures, it may be desirable to set back portions of

the upper floors of new multi-family residential structures.

(C) Varied structure heights are encouraged, both to provide visual interest and give the appearance of a collection of smaller structures. Structure heights at the development's edge should be considered within the context of the project's surroundings, the adjacent uses, and the distance from adjacent structures. The development's structure height should create a transition from the heights of adjacent existing residential development, rather than form abrupt height changes. See Figure 84-12 (Height Transition).



Figure 84-12
Height Transition

(3) Facade modulation. Boxy and monotonous facades that lack human scale dimensions and have large expanses of flat wall planes should be prohibited. Architectural treatments (e.g., recessed windows, moldings, decorative trim, and wood frames) should be used to add visual interest to the facade. Windows of varied shape, size, and placement are strongly encouraged. See Figure 84-13 (Examples of Window Styles).

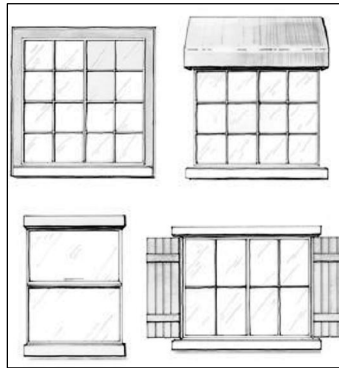


Figure 84-13
Examples of Window Styles

(4) Roofs.

(A) Roof pitches and materials should appear residential in character and should consider the prevailing roof types in the neighborhood (e.g., hipped roofs, gabled roofs, mansard roofs etc.). The roof pitch for a porch may be slightly lower than the roof pitch of the main structure. See Figure 84-14 (Typical Roof Types).

(B) Roof lines should be broken up and varied within the overall horizontal plane. Combinations of roof heights that create variation and visual interest are strongly encouraged.

(C) Carport roofs visible from structures should incorporate the roof pitch and materials of adjacent structures.

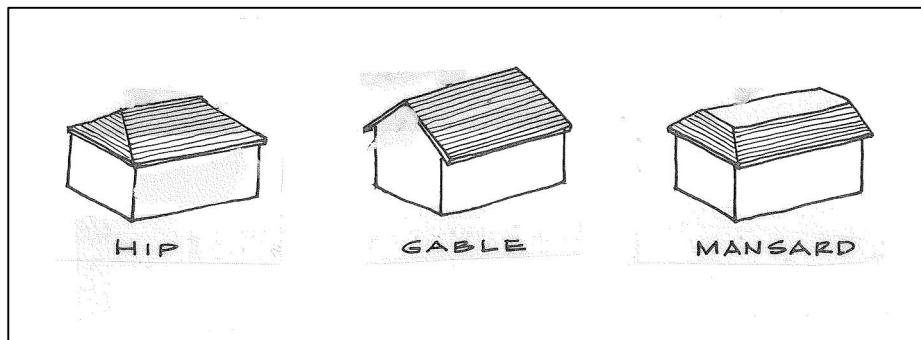


Figure 84-14
Typical Roof Types

(5) Mechanical equipment and vents.

(A) Roof-mounted mechanical equipment visible from structures or a public street should be screened in a manner consistent with the appearance of the structure, including materials and color.

cal equipment on the ground should be screened from
should be placed in locations that are not exposed to

view from the street or they should be suitably screened, including the use of landscape materials. Screening devices should be compatible with the architecture and color of the adjacent structures.

(C) Roof flashing and vents exposed to public view should be painted to match adjacent surfaces or concealed in a manner consistent with the structure's appearance.

(D) Screening of mechanical equipment should comply with Section 83.020.060 (Screening and Buffering).

(d) Site elements.

(1) Site furniture.

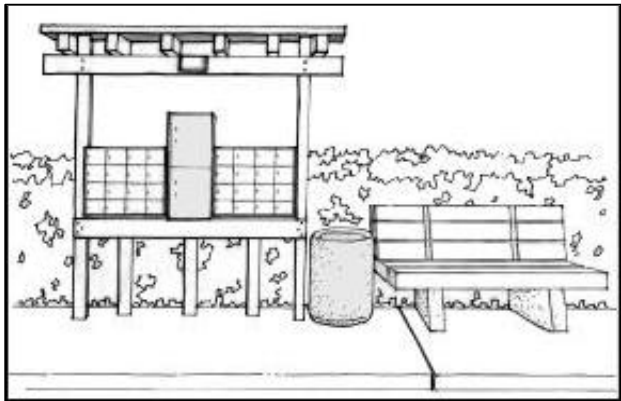
(A) The design, selection, and placement of site furnishings (e.g., tables, benches, and solid waste receptacles) should be compatible with the overall site design and architectural character of the residential project.

(B) Seating opportunities should be provided in both sunny and shaded areas. Seating in areas that offer opportunities for social interaction and informal surveillance (e.g., a bench near the mail box area or benches near tot lot areas and laundry rooms) are strongly encouraged. A variety of sitting area designs, from formal arrangements (e.g., benches) to informal arrangements (e.g., low walls or steps) is strongly encouraged. In general, benches should be located in areas that have some provision for shade.

(2) Mailboxes.

(A) Mailboxes should be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety. A bench or seating area in close proximity to the mailbox location is strongly encouraged, and a solid waste receptacle(s) should be located adjacent to the mailboxes. See Figure 84-15 (Mailboxes).

ation of design features (e.g., built frame consistent with strongly encouraged.



**Figure 84-15
Mailboxes**

SECTION 50. Subsection 84.17.080(a) of the San Bernardino County Code is amended, to read:

84.17.080 Alteration of Nonconforming Uses

(a) Conditional Use Permit requirement. A legal nonconforming use shall only be altered after review and approval of a Conditional Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit), including the findings for alteration of a nonconforming use in Section 85.06.080 (Alteration to Nonconforming Uses).

SECTION 51. Subsection 84.18.030(b) of the San Bernardino County Code is amended, to read:

84.18.030 Development Standards

(b) Density. The total density of a planned development shall be determined by the land use zoning district applicable to the subject property. Increased densities may be granted by the review authority through the bonus density or transfer of density authorized by the General Plan and implemented by this Development Code under the Housing Incentives Plan in Chapter 83.03 (Affordable Housing Incentives - Density Bonus), or a Specific Plan. However, density increases shall not be granted for that portion of a planned

liminary Development Plan has been approved. Parcel
by the land use zoning district may be approved for a

Planned Development provided the overall parcel density is not exceeded, except as
otherwise allowed by this Development Code and/or the General Plan. The maximum unit
allowable dwelling densities shall be as follows:

Maximum Unit Allowable Dwelling Density*	Average Slope
4.0 Dwelling Units/Acre	0% - less than 15%
2.0 Dwelling Units/Acre	15% - less than 30%
1.0 Dwelling Units/3 Acres	30% - less than 40%
1.0 Dwelling Units/10 Acres	40% or greater
*The density shall not be more than the maximum allowed by the land use zoning district.	

SECTION 52. Section 84.19.080 of the San Bernardino County Code is
amended, to read:

84.19.080 Light Processing Facilities

- (a) **Maximum size.** A light processing facility shall be no larger than 45,000 square feet.
- (b) **Truck traffic.** No more than an average of two outbound truck shipments of material per day shall be allowed.
- (c) **Allowed materials.** A light processing facility may not shred, compact, or bale ferrous metals other than food and beverage containers.
- (d) **Compliance with other standards.** A light processing facility shall comply with the standards in Section 84.19.090 (Heavy Processing Facilities).

SECTION 53. Subsection 84.21.030(d) of the San Bernardino County Code is
amended, to read:



Construction Standards

entries and exits shall be completed in compliance with Chapter 10 of the California Building Code.

SECTION 54. Subsection 84.21.030(f) of the San Bernardino County Code is amended, to read:

84.21.030 Minimum Residential Construction Standards

(f) Parcels less than 30 feet in width or 5,000 square feet in area. Residential structures located on parcels of 30 feet or less in width or 5,000 square feet or less in area shall comply with the provisions as specified in Subsections A through D, above, and the following:

(1) Minimum floor area shall be 600 square feet measured from the exterior of the structure.

(2) Minimum floor width shall be 15 feet measured from the exterior of the structure.

SECTION 55. Subsection 84.24.030(a) of the San Bernardino County Code is amended, in part, by amending Table 84-12 to read:

84.24.30 Storage Areas for Multi-Family Uses

(a) Multi-family uses.

...

TABLE 84-12
 MULTI-FAMILY DEVELOPMENT
 MINIMUM COMMON STORAGE AREAS REQUIRED
 (SQ. FT.)

Dwellings	Refuse	Recycling	Total Area
4 or more	12	12	24
10-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	316	316	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

SECTION 56. Section 84.25.010 of the San Bernardino County Code is amended, to read:

84.25.010 Purpose

This purpose of this Chapter is to provide development and use standards for temporary structures and uses that might not meet the normal development or use standards of the applicable land use zoning district, but may otherwise be acceptable because of their temporary nature, and to prohibit the use of vehicles as substitutes for structures unless otherwise allowed, permitted, or exempted. The intent of these standards is to minimize the potential incompatibility of a temporary structure or use or use of a vehicle in lieu of such structures and to regulate the location, operation, and/or duration to protect the public convenience, health, interest, safety, and general welfare.

84.25.070 is added to Chapter 84.25 of Division 4 of Title 8
, to read:

84.25.070 Camping or Occupancy of Temporary Structure Prohibited

(a) Prohibited use. It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement, installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code.

(b) Applicability. This section shall apply to the following temporary structure:

(1) Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;

(2) Any vacant building, temporary or permanent, deemed substandard pursuant to Health and Safety Code Section 17920.3 and Sections 63.063 or 63.064 of Title 6 of the San Bernardino County Code; and

(3) Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

(c) Camping in Vehicle Prohibited. It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining, or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this chapter.

(d) Vehicle applicability. This subsection shall apply to the following vehicles:

- (1) All recreational motor vehicles;
- (2) Recreational towed vehicles;
- (3) Mobile homes;
- (4) Commercial coaches;
- (5) Office trailers;
- (6) Park trailers;

cles;

(9) Campers; and

(10) Commercial vehicles.

(e) Notice to Abate

(1) The Director may issue to any person occupying any structure or vehicle prohibited in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.

(2) If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

SECTION 58. Section 84.27.060 of the San Bernardino County Code is amended, to read:

84.27.060 Review Procedures

(a) Conditional Use Permit/Minor Use Permit required. All wireless telecommunications facility projects shall be subject to a Conditional Use Permit/Minor Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit), with controversial projects requiring a public hearing before the Commission. Projects shall not be considered controversial solely on the basis of radio frequency emissions.

(b) Projects exempt from Conditional Use Permit requirement. The following projects shall be exempt from the Conditional Use Permit/Minor Use Permit requirement and shall be subject to a Site Plan Permit in compliance with Chapter 85.05 (Certificate of Land Use Compliance) provided they do not require a Variance. The limitations of Subsection 85.08.020(b) shall not apply for projects that include any of the following:

roof mounted antenna that does not extend above the
in 12 feet and painted to match the structure, or that is

completely screened from public view.

(2) Antennas mounted on or contained within other existing or proposed structures (e.g., appurtenances to existing structure, penthouses, elevator structures, parapets, steeples, signs, water tanks, pump stations, utility towers and poles, utility streetlights, ball field lighting, etc.) so as not to be readily identifiable as a wireless communication facility. This may include the replacement of an existing structure to accommodate a wireless telecommunications facility.

(3) The co-location of a new antenna to an existing approved support structure, or the replacement of an existing approved support structure in order to co-locate a new antenna, without an increase in height.

(4) Change of antennas or microwave dishes of similar construction, size, and shape on any existing facility provided that the change of antenna(s) does not result in substantial increased visibility of the structure.

(c) Screening required. Utility or accessory equipment described in Subsection B (Projects exempt from Conditional Use Permit requirement), above, shall be screened from view from any residence or State or County maintained road in a manner that achieves compatibility with the surrounding setting.

SECTION 59. Section 85.06.080 of the San Bernardino County Code is amended, to read:

85.06.080 Alteration to Nonconforming Uses

(a) Accommodation of new structures or accessory uses. An existing nonconforming use may be altered to accommodate a new structure or accessory use, except where it is an existing nonconforming use of land and contains no structures, in which case the alteration may not be approved.

(b) Additional required findings. In addition to the findings required in Section 85.060.040 (Findings Required) above, before any alteration/modification of a



, the review authority shall also find and justify that all of
the Conditional Use Permit application.

(1) The remaining normal life of the existing nonconforming use is determined to be in compliance with provisions specified in this Development Code before consideration of the proposed alteration if located in a residential land use zoning district.

(2) The proposed alteration shall not prolong the normal life of the existing nonconforming use.

(3) The alteration of the existing nonconforming use shall not be detrimental to, nor prevent the attainment of, general land uses, objectives, policies, and programs specified in the General Plan or any applicable community or specific plan.

(4) The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use zoning district in which the use is located.

(5) The alteration shall not change the primary use of the land nor increase the intensity of the use unless such change brings the use into greater compliance with current zoning regulations.

(6) The existing nonconforming use shall comply with all other existing County regulations, including those applicable to and enforced by the Director, and County Sheriff's Department.

(c) Governmental or court actions exemption. Any alteration required by governmental or court action shall be exempt from compliance with the above listed findings.

SECTION 60. Chapter 85.09 of the San Bernardino County Code is amended, to read:

Chapter 85.09 Tenant Review

Sections:

85.09.010 Purpose

85.09.010 Purpose

It is the purpose of this Chapter to provide an expedited process for the County review and authorization of allowed uses and changes to existing structures to accommodate the same or a different use. Adjustment of the existing tenant space may be allowed, but not a change in the existing structure footprint or floor area. It is intended that a Tenant Review shall meet all standards of this Code without the necessity of discretionary processes, environmental review or public hearings.

85.09.020 Applicability

(a) A Tenant Review is required for the first use of a structure that was constructed when the occupant was undetermined or when remodeling an existing structure to meet the needs of a new or existing tenant. However, a Tenant Review shall not be required for an existing structure when all of the following criteria are true:

- (1) An approved plot plan is on file in the Land Use Services Department.
- (2) The proposed use is consistent with the current land use zoning district regulations.
- (3) Parking and design standards are not affected.
- (4) Planning approval is not required for the proposed use nor has the project been conditioned to require a Tenant Review.

(b) The addition of an on-site sign to an approved project may also be approved with a Tenant Review.

85.09.030 Procedures

- (a) **Procedure.** Staff review without notice.
- (b) **Review Authority.** Building Official.
- (c) **Compliance with criteria.** The project shall meet one or more of the following criteria:
 - (1) An application shall be reviewed and approved prior to issuance of building permits for any improvements that require building permits.

and use shall conform to an approved plot plan on file in
or if an approved plot plan is not on file, the criteria for
acceptance of all Tenant Review applications shall be as determined by the Director.

(3) Interior or exterior alterations (e.g., electrical conveyances, interior partitions, or plumbing) shall not result in an increase in the square footage of the structure.

Tenant Review applications that do not meet the criteria of this Section shall be referred to the Current Planning Division for the appropriate action.

SECTION 61. Subsections 85.10.070(b)(3)(C)(II) and (III) of the San Bernardino County Code are amended, to read:

85.10.070 Development Plans

(b) Planned Development Permit requests for large projects.

(3) Definition of plans.

(C) Planned Residential Developments.

(II) Planned Residential Developments not meeting the above criteria shall not be processed under the regulations of this Chapter. Exception, however, residential projects greater than 500 units may be processed as a Planned Residential Development when the Development Review Committee (DRC) determines at the pre-application conference meeting that the project though greater in number of units:

(i) Is compatible with, and not a significant departure from, surrounding land uses;

(ii) Will not require public capital expenditures for the public utility systems greater than that required for the type of development generally allowed in the area;

(iii) Has reasonable access to parks, schools, and other public services and facilities in the same degree as would the type of development generally allowed in the area; and

(iv) Otherwise complies with the provisions of this Chapter.

the records of the pre-application conference shall
the above criteria have been met.

SECTION 62. Subsection 85.10.070(e) of the San Bernardino County Code is amended, to read:

85.10.070 Development Plans

(e) Pre-application conference. A pre-application conference shall be required for all Planned Development Permit applications. This pre-application conference will acquaint the applicant with the procedural requirements of the Planned Development Permit provisions of this Development Code and the general acceptability of the plan and its compatibility with applicable policies, issues, and development regulations. The conference may be with the Development Review Committee or with selected staff based upon the complexity of the project.

SECTION 63. Subsection 85.17.040(a) of the San Bernardino County Code is amended, in part, by amending Table 85-5 to read:

85.17.40 Minor Variances

(a) Types of Minor Variances allowed.

. . .

Table 85-5

Types of Minor Variances Allowed

Types of Minor Variances Allowed*		Maximum Variance
1	Area requirements. Excluding parcel area requirements.	30%
2	Distance between structures. Up to 40 percent, but no closer than 6 feet.	40%
3	Fence or wall heights. Up to 30 percent, but no higher than 6 feet in the front or street side yard setback.	30%
4	Floor width requirements. Of the single-family residential design standards.	20%
5	Gross floor area requirements.	50%
6	Height requirements. Except that any height adjustment not exceeding two feet in total height shall also be considered a Minor Variance.	30%
7	Off-street parking requirements. Parking and loading space requirements, not to exceed two spaces. Parking area/lot improvements.	30%
8	Overlay District requirements. Of the standards identified in the overlay districts.	30%
9	Setback requirements. a. Front setbacks. But no closer to the nearest property line than 15 feet in the valley and desert areas and 10 feet in the mountain region. b. Side setbacks. But no closer than three feet from the nearest property line, except in a Fire Safety Overlay District in which case no closer than five feet. c. Rear setbacks. But no closer than 10 feet from the nearest property line.	40% 40% 30%
10	Sign requirements. a. Sign area limitations. b. Sign height and setback limitations.. c. Sign number limitations: Not to exceed four signs.	10% 30% 100%

SECTION 64. Subsection 86.06.060(b) of the San Bernardino County Code is amended, to read:

86.06.060 Time Limits and Extensions

(b) Extensions of time. Upon written request by the applicant, the County may extend the time for a planning permit or authorization to be exercised.

(1) Time for filing of request. The applicant shall file a written request for an extension of time with the Director at least 30 days before the expiration of the permit or authorization, together with the filing fee required in compliance with the County Fee Ordinance.

(2) Action on extension request. A permit or authorization may be extended as follows for no more than a total of 36 months for those applications listed in



above, except as noted below, beyond the expiration of

3 **(A) Evidence to be provided.** The Director shall determine whether
4 the applicant has made a good faith effort to exercise the permit or authorization. The
5 burden of proof is on the applicant to establish, with substantial evidence, that
6 circumstances beyond the control of the applicant (e.g., demonstrated problems with
7 completing the acquisition of the parcel, poor weather during periods of planned
8 construction, etc.) have prevented exercising the permit or authorization.

9 **(B) Recommendations for Denial and Revocations.**
10 Recommendations for denial of a request for extension, and revocations of permits, shall be
11 referred to the Zoning Administrator or the Planning Commission for public hearing and
12 determination.

13 **(C) Exceptional or Extraordinary Circumstances.** Under
14 exceptional or extraordinary circumstances, one or more extensions may be granted in
15 addition to that provided in Section 86.06.060(b)(2). In addition to the existence of
16 exceptional or extraordinary circumstances, the applicant must show that unreasonable
17 delay to the project, if any, was not caused by the applicant.

18 **(D) Findings.** Requests for extensions shall only be granted if
19 findings can be made that the project is consistent with the provisions of the General Plan
20 and the San Bernardino County Code in effect at the time the extension request is
21 considered.

22 **(E) Phased Projects.** This subsection shall not be applied to extend
23 the time limits provided in Subsection 86.06.060(a)(5)(B), above.

24 **(3) Action on extension of a project subject to the Subdivision Map**
25 **Act.** The expiration date of a Tentative Map may only be extended in compliance with the
26 Map Act Section 66452.6.

27
28 SECTION 65. Chapter 86.09 of the San Bernardino County Code is amended,
to read:



3	86.09.010	Purpose
4	86.09.020	Permits and Licenses
5	86.09.030	Authority for Enforcement
6	86.09.040	Unlawful to Violate Development Code Provisions
7	86.09.050	Violations of the Development Code Declared Public Nuisance
8	86.09.060	Unlawful to Refuse or Fail to Comply with Conditions of Land Use
9		Approval
10	86.09.070	Property Not in Compliance with Conditions of Land Use Approval
11		Declared a Public Nuisance
12	86.09.080	Enforcement
13	86.09.090	Criminal Actions
14	86.09.100	Civil Actions
15	86.09.110	Administrative Action
16	86.09.120	Filing a Notice of Pendency
17	86.09.130	Filing a Notice of Action
18	86.09.140	Initial Investigation Procedures
19	86.09.150	Inspections
20	86.09.160	Stop Work Orders
21	86.09.170	Revocation or Modification of Permits or Approvals
22	86.09.180	Recovery of Costs
23	86.09.190	Additional Permit Processing Fees
24	86.09.200	Reinspection Fees
25	86.09.210	Documentation
26		
27		
28	86.09.010	Purpose

that are intended to ensure compliance with the
Code and any conditions of planning permit approval, to
promote the County's planning efforts, and for the protection of the public health, safety,
and welfare of the County.

86.09.020 Permits and Licenses

All departments, officials, and public employees of the County who are assigned the
authority or duty to issue authorizations, certificates, licenses, or permits shall comply with
the provisions of this Development Code.

(a) Permits in conflict with Development Code. Authorizations, certificates,
licenses, or permits for uses or structures that would be in conflict with the provisions of this
Development Code shall not be issued.

(b) Permits deemed void. Any authorization, certificate, license, or permit issued
in conflict with the provisions of this Development Code shall be void and of no effect.

86.09.030 Authority for Enforcement

(a) Responsibility of Director. The Director, the Deputy Director of the Code
Enforcement Division, and their designated employees and representatives shall have the
authority to enforce the provisions of this Development Code.

(b) Responsibility of additional, authorized County representatives. The Director
shall be aided in this enforcement responsibility by the officers and authorized
representatives of the County agencies, departments, and offices charged with the
responsibility of administering, implementing, and ensuring compliance with the provisions
of this Development Code. Among these are the following designated enforcement officers:

- (1) Assistant Administrative Officer for Public and Support Services Group.
- (2) Chief, County Fire Department.
- (3) Chief Engineer of the San Bernardino County Flood Control District.
- (4) Chief of Environmental Health Services Division.
- (5) County Agricultural Commissioner.
- (6) County Surveyor.
- (7) Director of Airports Department.



nty Museums.

ic Works.

(10) Director of Special Districts Department.

(11) Flood Plain Management Administrator.

(c) Responsibility of Other Authorities. The authorities responsible for the enforcement shall be the same as the review authorities responsible for permit approvals as specified in this Development Code.

86.09.040 Unlawful to Violate Development Code Provisions

(a) It is unlawful for any person to violate or to cause or to allow a violation of any provision of this Development Code. Any act or omission constituting a violation of the Development Code includes the aiding, abetting, allowing, or causing that act or omission.

(b) Each and every day, and during any portion of which, any violation of this Development Code, or of the provisions of any code adopted and incorporated by reference by this Development Code, is committed, continued, or allowed, is a new and separate offense.

86.09.050 Violations of Development Code Declared Public Nuisance

(a) Use of land. Any use of land not permitted by this Development Code is hereby declared unlawful and a public nuisance.

(b) Structure. Any structure which is altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved or operated contrary to the provisions of this Development Code is hereby declared unlawful and a public nuisance.

(c) Use or occupancy of structure. Any structure used or occupied in a manner not permitted by this Development Code is hereby declared unlawful and a public nuisance.

86.09.060 Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval

(a) It is unlawful for the owner, the owner's agent or representative, or other person in whose favor or for whose benefit, a land use approval of any kind has been granted for the parcel of real property at issue, to refuse or to fail to comply with the

ons of approval, either individually or collectively in any

(b) Each and every day, and during any portion of which, any failure or refusal to comply with the condition or conditions of approval imposed on any land use approval, authorization, permit, or variance, is committed, continued, or allowed, is a new and separate offense.

**86.09.070 Property Not in Compliance With a Condition of Land Use Approval
Declared Public Nuisance**

Any property not in compliance with an applicable condition of approval imposed upon any land use approval, authorization, permit, or variance is hereby declared to be unlawful and a public nuisance.

86.09.080 Enforcement

(a) **Notices, orders, and citations.** This Development Code may be enforced through the issuance of various notices and orders pertaining to any land use; or to any addition, alteration, construction, conversion, enlargement, installation, moving, reconstruction, rehabilitation of any structure; or to any use of any structure; that is contrary to any provision of this Development Code as provided herein, or as otherwise provided under various provisions of the other Titles of the San Bernardino County Code. Such notices may include, without limitation, notice of violation, notice to correct, notice to vacate, and stop work orders. This Development Code may also be enforced through the use of administrative citations issued pursuant to Government Code Section 53069.4 and the provisions of the San Bernardino County Code adopted pursuant to the authority conferred by Government Code Section 53069.4; or through the use of criminal citations issued pursuant to Penal Code Section 836.5 and in the manner specified by the San Bernardino County Code, Title 1, Division 1, Chapter 2, Section 11.024.

(b) **Enforcement remedies are cumulative and discretionary, not exclusive.** All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be discretionary and cumulative, and not exclusive of any other applicable provisions of the San Bernardino

State law. The County, at its sole discretion and acting
this Chapter and in consultation with the Office of County

Counsel, may enforce this Development Code through the application of criminal, civil, and
administrative remedies as set forth in this Chapter. In the exercise of such discretion in
selecting an appropriate code enforcement remedy, the County shall not be required to
institute available code enforcement remedies in any particular order, or to prefer the
application of one remedy to another.

86.09.090 Criminal Actions

(a) Notwithstanding any other provision of the San Bernardino County Code,
each person violating, causing, or allowing a violation of any provision of this Development
Code or any permit or condition of approval granted pursuant thereto, shall be guilty of an
infraction, unless the violation is specifically declared to be a misdemeanor.

(b) An infraction shall be punished by (1) a fine not exceeding one hundred
dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00)
for a second violation of the same code section or permit (or any of the conditions of
approval) occurring on the same property and committed by the same person; and (3) a
fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the
same code section or permit (or any of the conditions of approval) occurring on the same
property and committed by the same person. Notwithstanding the above, a first or
subsequent offense may, in the discretion of the County Counsel, be charged and
prosecuted as a misdemeanor.

(c) A misdemeanor shall be punished by a fine of not more than five hundred
dollars (\$500.00) or imprisonment in the County jail for a period of not more than six (6)
months or by both such fine and imprisonment. Notwithstanding any provision of this
Development Code that specifies the violation of that section is a misdemeanor, the County
Counsel may, in the exercise of its discretion, charge and prosecute the violation as an
infraction.

(d) The conviction and punishment of any person of an offense as described in
this Section or the payment of a criminal fine by or on behalf of the person convicted, shall

responsibility for correcting, removing, or abating the
ction; nor prevent the enforced correction, removal or

abatement thereof by the County.

86.09.100 Civil Actions

(a) Injunctive relief and abatement. At the request of any person authorized to enforce this Development Code, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of this Development Code or any permit or land use approval granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.

(b) Civil Remedies and Penalties. Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred or was repeated, the assets, liabilities, and net worth of the violator, whether a corporate entity or an individual, and any corrective action taken by the violator.

86.09.110 Administrative Actions

(a) Application. All violations of any provision of this Development Code or any permit or land use approval granted pursuant thereto are subject to enforcement through the use of administrative citations in accordance with Government Code Section 53069.4 and this Section. The following procedures shall govern the imposition, enforcement, collection, administrative, and judicial review of administrative citations and penalties.



The administrative citation shall be issued on a form
Administrative Officer in consultation with County Counsel. The

administrative citation form may be tailored to the specific needs of the issuing department
as approved by the County Administrative Officer, however, all administrative citations
regardless of the issuing department shall contain the following information:

(1) The administrative citation shall refer to the date and location of the
violation and the approximate time, if applicable, that the violation was observed.

(2) The administrative citation shall identify each violation by the
applicable section number of this code and by either the section's title or a brief descriptive
caption; or by reference to the applicable permit or land use approval and describing the
condition violated.

(3) The administrative citation shall describe the action required to correct
the violations.

(4) The administrative citation shall require the responsible party to
immediately correct the violation and shall explain the consequences of failure to correct
the violation.

(5) The administrative citation shall state the amount of the penalty
imposed for the violation. Multiple violations may be listed on the same citation form. In the
event of multiple violations, the administrative citation shall list the penalty amount for each
violation and the total amount of all of the penalties.

(6) The administrative citation shall contain a notation box for the
enforcement officer to indicate whether or not the citation is issued as a ~~w~~arning only+and
without penalty. The administrative citation shall also include a notation box for the
enforcement officer to indicate that the penalty will be waived if the violation is corrected by
the compliance deadline date indicated on the citation form.

(7) The administrative citation shall explain how the penalties shall be paid
and the time period by which it shall be paid, and the consequences of failure to pay the
penalty within this time period.

ative citation shall identify all appeal rights and citation.

(9) The administrative citation shall contain the printed name and the signature of the enforcement officer and the signature of the responsible party, if he/she can be located, as set forth in subsection (d) below.

(c) Service of Citation.

(1) If the responsible party is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.

(2) If the responsible party is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to them. If the enforcement officer is unable to serve the business owner on the premises and the enforcement officer can only locate the manager or on-site supervisor, the administrative citation may be issued in the name of the business and a copy given to the manager or on-site supervisor. A copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested and by first class mail. If a copy of the administrative citation that is sent by certified mail is returned by the United States Postal Service unsigned or marked ~~%unclaimed+~~ and/or ~~%refused+~~, then service by first class mail shall be deemed effective provided it is not returned by the United States Postal Service.

(3) If no one can be located at the property, then a copy of the administrative citation shall be posted in a conspicuous place on or near that property and a copy mailed by certified mail, return receipt requested and by first class mail, to each responsible party at their last known addresses as they appear on the last County equalized assessment role, or other available public records related to title or ownership of the property that is the subject of the administrative citation. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked ~~%unclaimed+~~ and/or ~~%refused+~~, then

deemed effective provided it is also not returned by the

(4) The failure of any responsible party to receive a copy of the administrative citation shall not affect the validity of the proceedings.

(d) Administrative Penalties.

(1) Unless otherwise provided in this code, the amount of penalty to be imposed for a violation of this code and assessed by means of an administrative citation shall be one hundred dollars (\$100.00) for the first occurrence of a violation; two hundred dollars (\$200.00) for the second occurrence of the same violation occurring on the same property; and five hundred dollars (\$500.00) for the third and each subsequent occurrence of the same violation occurring on the same property. Notwithstanding this paragraph, the amount of penalty to be assessed by means of an administrative citation may be established by resolution of the Board of Supervisors.

(2) If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.

(A) Payment of the penalty shall not excuse failure to correct the violation nor shall it bar further enforcement action by the County.

(B) The penalties assessed shall be payable to the County within 30 calendar days from the date the administrative citation is issued.

(C) Except as provided below, any person who fails to pay to the County any penalty imposed pursuant to the provisions of this Chapter on or before the date that the penalty is due shall also be liable for the payment of any applicable late payment charges as established by the Board.

(D) The County may collect any past due administrative citation penalty or late payment charge by use of any available legal means. The County may also recover its collection costs.

(E) The County may also recover administrative costs for defending the citation at the appeal hearing.



Administrative Citation.

2 **Appeal.** A responsible party may appeal the administrative
3 citation by filing a written notice of appeal with the department that issued the
4 administrative citation. The written notice of appeal must be filed within 20 calendar days of
5 the date the administrative citation was served in a manner set forth in subsection (d) of
6 this Section. Failure to file a written notice of appeal within this time period shall constitute
7 a waiver of the right to appeal the administrative citation. The notice of appeal shall be
8 submitted on County forms and shall contain the following information:

9 (A) A brief statement setting forth the appealing responsible party's
10 (hereinafter appellant) interest in the proceedings;

11 (B) A brief statement of the material facts, which the appellant
12 claims supports their contention that no administrative penalties should be imposed or that
13 an administrative penalty of a different amount is warranted under the circumstances;

14 (C) An address at which the appellant agrees that notice of any
15 additional proceeding, or an order relating to the imposition of an administrative citation
16 penalty, shall be received by the appellant by mail;

17 (D) The notice of appeal must be signed by the appellant.

18 **(2) Administrative Hearing.** Upon a timely, written notice of appeal by the
19 appellant, an administrative hearing shall be held as follows:

20 **(A) Hearing Date.** The date of the hearing shall be set for a date
21 that is no later than 60 days from the date of the violation.

22 **(B) Notice of Hearing.** Notice of the administrative hearing shall be
23 given at least 10 calendar days before the hearing to the appellant. The notice may be
24 delivered to the appellant or mailed by first class mail to the address listed in the notice of
25 appeal.

26 **(C) Hearing Officer.** The administrative hearing shall be held
27 before the director of the issuing agency or his/her designee. The hearing officer shall not
28 be the enforcement officer who issued the administrative citation or their immediate
supervisor. The director of the issuing agency may contract with a qualified provider to



and process administrative citations including the
administrative citation penalties and processes.

(D) Conduct of the Hearing.

(I) The enforcement officer who issued the administrative citation shall not be required to participate in the administrative hearing. The contents of the enforcement officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. The issuing department shall bear the burden of proof at the administrative hearing to establish the existence of a violation of this code by a preponderance of the evidence.

(II) If the appellant requesting the review fails to appear at the administrative hearing, the hearing officer shall make their determination based on the information contained in the enforcement officer's file in the case and the appellant's notice of appeal.

(III) The only evidence that shall be permitted at the administrative hearing and considered by the administrative hearing officer in reaching a decision, is that evidence which is relevant to the proof or disproof of:

(i) Ownership of the subject property, when applicable;

(ii) Whether a person noticed by the issuing department as a responsible party is, in fact, a responsible party;

(iii) Whether a violation of this code occurred and/or continues to occur on the date or dates specified in the administrative citation;

(iv) Whether the responsible party has committed, caused, maintained, or permitted a violation of this code on the date or dates specified on the administrative citation.

(f) Hearing Officer's Decision.

(1) After considering all the testimony and evidence submitted at the hearing, the hearing officer shall promptly issue a written decision (%Administrative Citation

l the administrative citation and shall list in the decision

(2) If the hearing officer determines that the administrative citation should be upheld, then the amount of the penalties set forth in the citation shall not be reduced or waived for any reason. This subsection shall not apply to ~~w~~arning only+ administrative citations or to any administrative citation that indicates on its face that the penalty will be waived if the violation is corrected by the deadline compliance date and the violation is so corrected.

(3) If the administrative citation has been upheld, the hearing officer may allow payment of the administrative penalty in installments, if the appellant has provided evidence satisfactory to the hearing officer of an inability to pay the penalty in full.

(4) If the hearing officer denies the administrative citation, then no penalty shall be assessed and any penalty otherwise deposited with the issuing department shall be promptly refunded to the appellant.

(5) The appellant shall be served with a copy of the hearing officer's written decision either at the conclusion of the hearing or sent by first class mail. The hearing officer's written decision shall become final on the date of the hearing unless mailed; otherwise it shall become final on the date of mailing.

(6) The hearing officer's written decision shall contain instructions for obtaining judicial review of the decision pursuant to California Government Code Section 53069.4, as that section may be from time to time amended, or the successor provision thereto.

(7) If the administrative citation is upheld, the Hearing Officer shall award the costs of the County's enforcement costs and costs in defense of the citation to the county as outlined in full in an itemized summary of costs presented at the hearing, including cost of the actual time spent to conduct the hearing.

(g) Judicial Review of Administrative Hearing Officer's Decision.

(1) Notice of Appeal. Within 20 calendar days of the date of the delivery or mailing of the hearing officer's decision to the appellant, the appellant (hereafter

decision by filing an appeal to be heard by the Superior Court set forth at Government Code Section 53069.4, or the successor provision thereto. The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. The contestant shall serve a copy of the notice of appeal in person or by first class mail upon the county department that had issued the original administrative citation.

(2) Conduct. The Superior Court Appeal Hearing. The conduct of the appeal before the superior court is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officers at the direction of the presiding judge at the superior court. The appeal shall be heard de novo, except that the contents of the issuing department's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty (i.e., the administrative citation) shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing department's file in the case be forwarded to the court, to be received within 15 calendar days of the request.

(3) Judgment. The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the issuing department. Any deposit of the administrative penalty shall be refunded by the issuing department in accordance with the judgment of the court. If the administrative penalty has not been deposited and the decision of the court is against the contestant and in favor of the issuing department, the issuing department may proceed to collect the penalty pursuant to the procedures set forth in this Chapter, or in any other manner provided by law.

86.09.120 Filing of a Notice of Pendency

Whenever the County institutes a judicial action or proceeding to enforce the Development Code, a Notice of Pendency of the action or proceeding may be filed with the County Recorder's Office. The notice shall be filed at the time of the commencement of the action



on of the notice as provided in this Section, shall have
ed in compliance with Section 409 of the State Code of

Civil Procedure.

(a) The County Recorder shall record and index the Notice of Pendency of action or proceeding in the Grantor/Grantee Index.

(b) Any Notice of Pendency of action or proceeding filed in compliance with this Section may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending.

(1) A certified copy of the %Order to Vacate Notice of Pendency+ may be recorded with the County Recorder's Office, and upon the recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.

(2) An %Order to Vacate Notice of Pendency+ shall not be appealable, but the party aggrieved by the order may, within 20 days after service of written notice of the order, or within additional time not exceeding 20 days as the court may, within the original 20 days allow, but in no event later than 60 days after entry of the order, petition the proper reviewing court to review the order by Writ of Mandate.

(3) No %Order to Vacate Notice of Pendency+ shall be effective, nor shall it be recorded with the County Recorder's Office, until the time within which a petition for the filing of a Writ of Mandate has expired in compliance with this Section.

86.09.130 Filing Notice of Action

Whenever an enforcement action is initiated and prior to filing a Notice of Pendency, the Code Enforcement Division or other County department initiating the action, may pursuant to Government Code Section 27280, file with the County Recorder's Office a notice of action identifying the enforcement action taken for violation of the Development Code or other applicable law.

86.09.140 Initial Investigation Procedures

measures for initiating enforcement action in cases where the property within the unincorporated area of the County is

being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

(a) Notice. Subject to Subsection (c) of this Section upon investigation and a determination that a violation of any of the provisions of this Development Code or any condition(s) imposed on any approval, authorization, permit, or variance is found to exist, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the County Counsel.

(b) Notice of Violation. The Director shall provide the record owner of the subject site and/or any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

(1) A description of each violation, and citations of applicable Development Code provisions being violated;

(2) A time limit for correcting the violation(s) in compliance with Subsection (c)., below;

(3) A statement that the County intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Section 86.09.180 (Recovery of Costs), and/or initiate legal action as described in Section 86.09.080 (Enforcement).

(c) Time limit for correction.

(1) The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by

the party contacts the Code Enforcement Division within
period for correction.

(2) The 30-day time limit may be extended by the Director upon a showing
of good cause.

(3) The Director may also require through the Notice of Violation that the
correction occur within less than 30 days if the Director determines that the violation(s)
constitutes a hazard to public health or safety.

(d) Use of other enforcement procedures. The enforcement procedures of
Section 86.09.080 (Enforcement), may be employed by the Director after or instead of the
provisions of this Section where the Director determines that this Section would be
ineffective in securing the correction of the violation(s) within a reasonable time.

86.09.150 Inspections

(a) Pre-approval inspections. Every applicant seeking an authorization, permit,
or any other action in compliance with this Development Code shall allow the County
officials handling the application access to any premises or property which is the subject of
the application.

(b) Post approval inspections. If the authorization, permit, or other action in
compliance with this Development Code is approved, the owner or applicant shall allow
appropriate County officials access to the premises in order to determine continued
compliance with the approved authorization or permit and/or any conditions of approval
imposed on the approval, authorization, permit, or Variance.

violation of this Development Code or any conditions

imposed on any approval, authorization, permit, or Variance shall be subject to the issuance of a "Stop Work Order."

(b) Any violation of a Stop Work Order shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the County Code and this Chapter.

86.09.170 Revocation or Modification of Permits or Approvals

(a) **Purpose.** Discretionary permits or approvals issued in compliance with this Development Code may be revoked or modified in compliance with this Section.

(b) **Procedures.** This Section provides procedures for securing revocation or punitive modification of previously approved permits or approvals.

(c) **Revocations.** The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.

(d) **Modifications.** County modification of a permit or approval instead of revocation may include any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for approval.

(e) Hearings and notice.

(1) The appropriate review authority shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Development Code.

(2) At least ten days before the public hearing, notice shall be delivered⁺ in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the permit was granted. The only exception to the 10-day



Temporary Use Permits which, because of their short term notice.

(3) Notice shall be deemed ~~delivered~~ delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

(f) Action by Reviewing Authority.

(1) Permits. A Conditional Use Permit, Minor Use Permit, or other County planning permit or approval (except a Variance, see Subsection (f)(2), below) may be revoked or modified by the reviewing authority (e.g., Director, Commission, or Board) that originally approved the permit, if the reviewing authority first makes any one of the following findings:

(A) Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation or modification;

(B) The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;

(C) One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;

(D) The approved use or structure has ceased to exist or has been suspended for at least 12 months;

(E) An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or

(F) The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.

Major or Minor Variance may be revoked or modified by
any authority that has previously approved the Major or Minor Variance, if the review

authority first makes any one of the following findings, in addition to any one of the findings
in Subsection (f)(1), above:

(A) Circumstances under which the original approval was granted
have been changed by the applicant to a degree that one or more of the findings contained
in the original approval can no longer be made in a positive manner, and the grantee has
not substantially exercised the rights granted by the Major or Minor Variance; or

(B) One or more of the conditions of the Major or Minor Variance
have not been met, or have been violated, and the grantee has not substantially exercised
the rights granted by the Major of Minor Variance.

(g) Amortization. If a revocation is ordered, the Commission may provide for a
reasonable period of time to amortize any lawful existing uses on the site. Extensions of
this time period may be granted for good cause shown on an application to the applicable
review authority by any affected person.

(h) Action is appealable. The revocation or modification of a permit or Variance
is appealable in compliance with Chapter 86.08 (Appeals).

(i) Enforcement. The County department or agency that issues the permit shall
have the primary responsibility for enforcing compliance with the permit.

86.09.180 Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including staff
and County Counsel time expended on the enforcement of the provisions of this
Development Code, other than administrative citation cases, to correct a violation. The
intent of this Section is to recover County administrative costs reasonably related to
enforcement.

(a) Record of costs.

(1) The Department shall maintain records of all administrative costs
incurred by responsible County departments, associated with the processing of violations

ent Code, and shall recover the costs from the property
on.

(2) Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board.

(b) Summary of costs and notice.

(1) At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.

(2) The summary shall include a notice in a form approved by the County Counsel, advising the responsible party of their right to request a hearing on the charges for County cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.

(3) In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director.

(4) The costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction, or by tax assessment, or by a lien on the property, at the County's election.

(c) Attorney's fees. In any action or administrative proceeding to abate a nuisance, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the County in the action or proceeding. Further, an award of attorney's fees in compliance with this Section shall only be allowed where the County elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

(d) Request for hearing on costs. Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

est for hearing shall be filed with the Department within
the Department's summary of costs, on a form provided by

the Department.

(2) Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.

(3) In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:

- (A) Whether the present owner created the violation(s);
- (B) Whether there is a present ability to correct the violation(s);
- (C) Whether the owner promptly corrected the violation(s);
- (D) The degree of cooperation provided by the owner; and
- (E) Whether reasonable minds can differ as to whether a violation(s) exists.

(4) The Director's decision shall be appealable as provided by Chapter 86.08 (Appeals).

86.09.190 Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any authorization or permit required by this Development Code, shall pay the additional permit processing fees in compliance with the County Fee Ordinance for the correction of the violations, before being granted an authorization or permit for a use or structure on the site.

86.09.200 Reinspection Fees

(a) Amount and applicability of reinspection fee.

(1) A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code or the County Code, adopted Building Code, or State law.

amount shall be established in compliance with the

3 (B) The fee may be assessed for each inspection conducted when
4 the particular violation, for which a Notice of Violation, notice and order, or letter of
5 correction was issued, was not fully abated or corrected as directed by, and within the time
6 and manner specified in, the notice or letter.

7 (2) The fee shall not apply to the original verification inspection to
8 document the violations and shall apply to the first compliance inspection made after the
9 issuance of a notice or letter, unless the correction has been made.

10 **(b) Continuation of the original case.**

11 (1) If a notice or letter has been previously issued for the same violation
12 and the property has been in compliance with the provisions of this Development Code or
13 the County Code for less than 90 days, the violation shall be deemed a continuation of the
14 original case, and all inspections or reinspections, including the first inspection for the
15 repeated offense, shall be charged a reinspection fee.

16 (2) This fee is intended to compensate for administrative costs for
17 unnecessary County inspections, and is not a penalty for violating this Development Code
18 or the County Code.

19 (3) Any reinspection fees imposed shall be separate and apart from any
20 fines or penalties imposed for violation of this Development Code or the County Code, or
21 costs incurred by the County for the abatement of a public nuisance.

22 **86.09.210 Documentation**

23 It is highly recommended that the property owner initiate a Certificate of Land Use
24 Compliance application to document any existing use where an application was not
25 processed but determined to be a legal use and where the zoning or land use designation
26 has changed and where a court decision determined a use to be legally established. This
27 process records a document with the County Recorders Office and is readily available to
28 future property owners, the public and agencies. It is also recommended that the property
owner initiate a General Plan and Development Code Interpretation application whenever it



to a future owner, what a specific use is determined to
ent Code.

SECTION 66. Subsection 86.15.050(a)(2)(B)(II) of the San Bernardino County
Code is amended, to read:

86.15.050 Modifications of the Provisions of this Development Code

(a) General.

(2) Conforming structures and uses

(B) (II) Conforming structures, occupied by conforming uses
which are subject to a Conditional Use Permit, Minor Use Permit, Site Plan Permit, and
where no approved plot plans are available for review, may be reconstructed or repaired in-
kind after the issuance of a Site Plan Permit and all other applicable permits.

SECTION 67. Subsection 88.01.050(i)(8) is added to Chapter 88.01 of Division 8
of Title 8 of the San Bernardino County Code, to read:

88.01.050 Tree or Plant Removal Permits

(i) Enforcement.

(8) Land Disturbance. No person, except as provided in this Chapter,
shall commence with a disturbance of land (e.g., grading or land clearing) without first
obtaining approval to assure that said disturbance will not result in the removal of any
regulated native trees or plants. Said approval may be in the form of a development permit
or a Tree or Plant Removal Permit issued by the appropriate authority

SECTION 68. Subsection 88.02.040(c) of the San Bernardino County Code is
amended, to read:

88.02.040 Dust Control - Desert Region

(c) Dust control standards - Desert Region. Land shall be cleared or natural
vegetation shall be removed only in order to provide for the installation of building pads,
driveways, landscaping, agriculture, or some other structure or allowed use normally

uses. No person, except as provided in this Chapter,
of land (e.g., grading or land clearing) without first

obtaining approval to assure that said disturbance will not result in a significant increase of
fugitive dust. Said approval may be in the form of a development permit.

SECTION 69. Subsection 810.01.030(g) of the San Bernardino County Code is
amended, to read:

810.01.030 Definitions, "A"

(g) Accessory Structure. A subordinate structure, the use of which is incidental
to that of the main structure on, or main use of, the land. The use of an accessory structure
may be for either a primary or an accessory use allowed by the appropriate land use zoning
district.

(1) Agricultural Accessory Structure (see Land Use Tables). A
structure for sheltering animals, or agricultural equipment (e.g., tools, supplies, hay, feed,
etc.). Examples of these structures include barns, non-commercial greenhouses, coops,
corrals, and pens. Does not include pasture fencing, which requires no County approval
when in compliance with Chapter 83.06 (Fences, Hedges, and Walls).

(2) Residential Accessory Use or Structure (see Land Use Tables).
Any use and/or structure that is customarily a part of, and clearly incidental and secondary
to a residence, and does not change the character of the residential use. This definition
includes the following detached accessory structures, and other similar structures normally
associated with a residential use of property. See also Agricultural Accessory Structure.+

- garages
- gazebos
- greenhouses (non-commercial)
- spas and hot tubs
- storage sheds
- studios
- swimming pools

other on-site sports courts

Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.

SECTION 70. Subsections 810.01.050(nn) through (xxx) of the San Bernardino County Code are amended, to read:

810.01.050 Definitions, "C"

(nn) Community room. A small facility (up to 1,500 sq. ft.), in a multiple-family project furnished more as a large living room, and may not have a kitchen or may only have a sink and counter for small meetings and other get-togethers.

(oo) Compatible. When used in relation to a structure, indicates that the structure is built so that its appearance is similar to that of the principal unit to which the structure is accessory or to the general character of the neighborhood with regards to color, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.

(pp) Compatible Land Uses. See %Surface Mining Operations.+

(qq) Compliance Investigation. Any building permit inspection, mobile home setdown inspection, Code compliance investigation, or any review by any County Agency, Department or office, or their designee to determine compliance with rules, regulations, standards and conditions of approval established either by or to implement the provisions of the San Bernardino County Code.

(rr) Composite Development Plan. A map or plan on file with the Building and Safety Division that reflects additional information related to the development of lots created by a Final or Parcel Map recorded after March 1, 1986. Notes on this plan or map are for informational purposes and indicate conditions and criteria that exist on the property that were known and identified as of the date of the recordation of the Final or Parcel Map. Authority for this plan is derived from California Government Code Section 66434.2.

(ss) Complex Sign. See %Sign.+

(tt) Complex Occupant Sign. See %Sign.+



ing waste in a controlled environment to produce a
degrading organic matter under aerobic conditions.

(vv) **Composting operations.** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

(ww) **Compressed Gas.** Any mixture or material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F, or an absolute pressure exceeding 104 pounds per square inch at 130°F, or both; or any liquid flammable material having a vapor pressure as defined in Section 5415 in Title 8 (Industrial Relations) of the California Code of Regulations..

(xx) **Condominium.** A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support.

(1) The description of the unit may refer to:

- (A) Boundaries described in the recorded condominium plan;
- (B) Physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof;
- (C) An entire structure containing one or more units; or
- (D) Any combination thereof.

(2) An individual condominium within a condominium project may also include a separate interest in other portions of the real property. A condominium is an estate in real property. The estate may, with respect to the duration of its enjoyment, be either:

- (A) An estate of inheritance or perpetual estate;
- (B) An estate for life;



for years (i.e., leasehold or subleasehold); or
combination of the foregoing.

(yy) Condominium Plan. A plan consisting of:

(1) A description or survey map of a condominium project, which shall refer to or show monumentation on the ground;

(2) A three dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest; and

(3) A certificate consenting to the recordation of the condominium plan in compliance with this Development Code and signed and acknowledged by the following:

(A) Record owner of fee title to the property included in the condominium project;

(B) All lessors and lessees of the estate for years in the case of a condominium project that will terminate upon the termination of an estate for years;

(C) All life tenants and remainder interests in the case of a condominium project subject to a life estate;

(D) Either the trustee or the beneficiary of each recorded deed of trust;

(E) Mortgagee of each recorded mortgage encumbering the property.

Owners of mineral rights, easements, rights of way, and other nonpossessory interests do not need to sign the condominium plan. A condominium plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by all the persons whose signatures would be required to record a condominium plan in compliance with Subsection 3, above.

(zz) Condominium Project. A common interest development consisting of condominiums.

tion Facility (see Land Use Tables). One or more

assembly, meeting, and/or exhibit rooms, and related

support facilities (e.g., kitchens, offices, etc.).

(bbb) Conservation. The planned management, protection and use of natural resources in order to prevent the wasteful exploitation, destruction or neglect of these resources. Implicit in conservation is the concept of wise use as distinguished from nonuse or preservation.

(ccc) Consistency. A review to ensure that all plans and actions conform to guidelines set forth in the General Plan and any applicable or Specific Plans.

(ddd) Construction and Heavy Equipment Sales and Rental (see Land Use Tables). Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

(eee) Construction Contractor (see Land Use Tables). Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities.

(fff) Construction Projects. A construction activity that is subject to approval of either a County ministered permit, or approval of a discretionary decision on a land use application.

(ggg) Contiguous or Contiguous Property. In actual close contact; touching; bounded or traversed by. %Contiguous property+ shall be those properties that touch property lines of any parcel including those properties that touch the property lines of a subject parcel when the lines are projected across public or private rights of way, easements, roads, streets, or railroad rights of way.

(hhh) Convenience and Support Services (see Land Use Tables). Establishments that provide convenience or support services to people in employment



in locations away from developed commercial centers.

ood, beverage, gasoline, retail services and minor

automobile service.

(iii) Convenience Store (see Land Use Tables). A retail store of 3,500 square feet or less in gross floor area that carries a range of merchandise oriented to convenience and/or travelers' shopping needs.

(jjj) Cooling Opportunities, Passive or Natural. The ability to orient or site a structure, including a dwelling on its lot in order to take optimum advantage of prevailing breezes for cooling purposes.

(kkk) Corner Lot. See %Lot.+

(III) Correctional Institution (see Land Use Tables). An incarceration facility owned and operated by a Federal, State, local government or private entity.

(mmm) Corrosive Soils. See %Soil.+

(nnn) County. The County of San Bernardino, State of California.

(ooo) County Code. County of San Bernardino Code.

(ppp) County Fire Department. See %Fire Department.+

(qqq) County Procedures. Any policies or procedures that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of Clerk of the Board of Supervisors.

(rrr) County Standards. Any current improvement standards or design standards that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of the Clerk of the Board of Supervisors.

(sss) County Surveyor. The County Surveyor of San Bernardino County, or authorized designee.

(ttt) County Veterinarian. Any veterinarian of the County designated by the Department of Public Health



occupied space, other than a yard, that is bounded on two
sides and is created by the required separation of the

buildings.

(vvv) Crop Production, Horticulture, Orchard, Vineyard (see Land Use Tables).

Commercial agricultural production field and orchard uses, including the production of the
following, primarily in the soil on the site and not in containers, other than for initial
propagation before planting in the soil on the site, and/or in containers occupying one acre
or less:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables
- wine grapes and table grapes

Also includes associated crop preparation services and harvesting activities,
such as mechanical soil preparation, irrigation system construction, spraying, crop
processing and retail sales in the field, not including sales sheds.

(www) Cultural Resource Damage. Any destruction or harm done to or inflicted
upon any paleontological, archaeological or historical remains that could contribute to the
study and interpretation of biological and cultural development.

(xxx) Curb Cut. The lowering of a curb to permit access by vehicles, wheelchairs,
carts and pedestrians.

SECTION 71. Subsections 810.01.070(i) through (x) of the San Bernardino
County Code are amended, to read:

the purposes of this code, certain words relative to enforcement are defined as follows:

(1) ~~%~~Abatement costs+ means any and all costs or expenses reasonably related to the abatement or removal of conditions which violate any provision of this code or any permit or any condition of land use approval granted pursuant thereto or the correction of such violation, and shall include, but not be limited to, enforcement, investigation, collection, and administrative costs; and attorney\$ fees.

(2) ~~%~~Administrative costs+ means all costs incurred by or on behalf of the County from the first discovery of the violation of the this Development Code or any permit or condition of land use approval granted pursuant thereto through the appeal process and until compliance is achieved, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, telephone contacts, and correspondence.

(3) ~~%~~odified Ordinances of the County of San Bernardino,+ and ~~%~~San Bernardino County Code,+ and ~~%~~his code+ shall mean the San Bernardino County Development Code (Title 8 of the San Bernardino County Code), including all pertinent provisions of state codes as adopted therein, enacted by the Board of Supervisors of the County of San Bernardino acting pursuant to authority granted under the County Charter, California Government Code Sections 25126, 25127, and 25128; or other appl icable law.

(4) ~~%~~Enforcement Officer+shall mean any County employee or agent of the County with the authority to enforce any provision of the Development Code, specifically:

(A) The Deputy Director, each Code Enforcement Supervisor, and each Code Enforcement Officer or other designated employee of the Code Enforcement Division of the Land Use Services Department;

(B) The Fire Chief/Fire Warden, each Deputy Chief, each Assistant Chief, each Division Chief, the Fire Marshal, Assistant Fire Marshal, each Fire Prevention

on Officer or other designated employees of the County

(C) The Director and each Inspector or other designated employees of the Environmental Health Services Division of the Department of Public Health;

(D) The Program Manager and each Animal Control Officer or other designated employees of the Animal Care and Control Program of the Environmental Health Division of the Department of Public Health;

(E) The Sheriff-Coroner and each Deputy Sheriff (all ranks) or other designated employee of the Department of the Sheriff-Coroner;

(F) Any other Director and other designated employee of a county department as designated by the County Administrative Officer.

(5) ~~%Person+~~ shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity, which is recognized by law as the subject of rights or duties.

(6) ~~%Responsible party,+~~ for the purpose of this Chapter shall mean each person committing or allowing the violation or causing a condition on a parcel of real property located within the unincorporated area of the County of San Bernardino to violate any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto; each person who has an ownership interest in that property; and each person who, although not an owner, nevertheless has a legal right or legal obligation to exercise possession and control over that property. In the event the person who commits the violation or causes the violating condition is a minor, then the minor's parents or legal guardian shall be deemed the responsible party for that violation. In the event the violation or violating condition is most reasonably attributable to a business and not to an employee, then that business, to the extent it is a legal entity such that it can sue and be sued in its own name, and each person who is an owner of that business shall be deemed responsible parties.

(j) Enhanced Specialized Mobile Radio Service. See ~~%Wireless Telecommunication Facility.+~~

Assembly. See %Sports or Entertainment Assembly.+
es. See %Recreation and Entertainment Services.+

(m) Environmental Constraints. Environmental factors that limit or inhibit the potential for land development, including, but not limited to, flood hazards, seismic hazards, air quality and water supply.

(n) Environmental Impact. Projected long-term or short-term effects (adverse or beneficial) that a development project or plan may have on the natural and built environment if the project is carried out.

(o) Environmental Impact Report (EIR). An environmental impact report (EIR) is the public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid possible environmental damage.

(p) Environmental Review Guidelines. Written procedures adopted by the Board of Supervisors for the purpose of implementing the requirements of the California Environmental Quality Act (CEQA).

(q) Equestrian Facility (see Land Use Tables). A commercial facility for horses, donkeys, and/or mules. Examples include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in %Animal Keeping.+ Does not include rodeo arenas, which are under %Rural Sports and Recreation.+

(r) Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

(s) Erosion. The wearing away of the ground surface as a result of the movement of wind or water or machine.

(t) Erosion, Accelerated. Erosion caused by a human induced alteration of the vegetation, land surface, topography or runoff pattern. Evidence of accelerated erosion is

gullies, rills, sediment deposits or slope failures caused

(u) **Erosion Hazard.** The susceptibility of a site to erode based on condition of slope, rock type, soil and other site factors. Hazard may be determined based on a site-specific investigation and the soil disturbance may be caused by wind, water or machine.

(v) **Exotic Animal.** Any warm-blooded or cold-blooded animal of the biological kingdom *Animalia* generally considered as wild, exotic, dangerous, venomous or not normally domesticated and as determined by County veterinarian. Includes genetically engineered animals.

(w) **Expansive Soils.** See ~~%~~Soil.+

(x) **Exploration or Prospecting.** The search for minerals by geological, geophysical, geochemical, or other techniques. These include but are not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of mineral present.

SECTION 72. Subsections 810.01.150(yy) of the San Bernardino County Code is amended, to read:

810.01.150 Definitions, “M”

(yy) **Motor Vehicle Dismantling Facility (see Land Use Tables).** Any premises used for the dismantling of wrecking of vehicles required to be registered under the Vehicle Code of the State of California. Activities may include the buying, selling or dealing in vehicles, their integral parts, or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled, wrecked or inoperative vehicles. See also ~~%~~Recycling Facilities . Scrap and Dismantling Yard.+

SECTION 73. Subsections 810.01.200(j) through (zz) of the San Bernardino County Code are amended, to read:

810.01.200 Definitions, “R”

relatively large room or hall (over 3,000 sq. ft.) within a
for hosting fairly large events and concerts (60-80+
people) and may have an area set up, more or less permanently, for indoor games (e.g.
ping pong tables, pool tables, foosball tables, etc.), for a library, for small gatherings, or for
use as a mini cinema.

(k) Recreational Vehicle Park (RVP). An area or tract of land, within an area
where the land use zoning district allows recreational uses and where one or more lots are
rented or leased or held out for rent, or lease to owners or users of recreational vehicles for
temporary occupancy.

(l) Recyclable Material. Reusable material including but not limited to metals,
glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for
the purpose of using the altered form. Recyclable material does not include refuse or
hazardous material. Recyclable material may include used motor oil collected and
transported in compliance with Health and Safety Code Sections 25250.11 and
25143.2(b)(4).

(m) Recycling Facility (see Land Use Tables). A center for the collection and/or
processing of recyclable materials. A %Certified Recycling Facility+or %Certified Processor+
is a recycling facility certified by the California Department of Conservation as meeting the
requirements of the California Beverage Container recycling and Litter Reduction Act of
1986. A recycling facility does not include storage containers or processing activity located
on the premises of a residential, commercial, or manufacturing use and used solely for the
recycling of material generated by that residential property, business or manufacturer.
Recycling facilities may include the following:

(1) Collection Facility. A center for the acceptance, by donation,
redemption, or purchase, of recyclable materials from the public. The facility does not use
power-driven processing equipment except as provided by this Title. Collection facilities
may include the following:

(A) Reverse Vending Machine(s). As defined below.

Collection Facility. Occupies an area of not more than

- (I) A mobile unit;
- (II) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
- (III) Kiosk type units, which may include permanent structures;
- (IV) Unattended containers placed for the donation of recyclable materials.

(C) Large Collection Facility. May occupy an area of more than 500 square feet and may include permanent structures.

(2) Processing Facility. A building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by means such as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

(A) Light Processing Facility. Occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

(B) Heavy Processing Facility. Any processing facility other than a Light Processing Facility.

(3) Reverse Vending Machine. An automated mechanical device that accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as

Reverse Vending Machine may sort and process containers
The entire process is enclosed within the machine. In order to

accept and temporarily store all three container types in a proportion commensurate with
their relative redemption rates, and to meet the requirements of certification as a recycling
facility, multiple grouping of Reverse Vending Machines may be necessary. A Bulk
Reverse Vending Machine is a reverse vending machine that is larger than 50 square feet;
is designed to accept more than one container at a time; and will pay by weight instead of
by container.

(4) Mobile Recycling Unit. An automobile, truck, trailer or van, licensed
by the Department of Motor Vehicles, which is used for the collection of recyclable
materials. A Mobile Recycling Center also means the bins, boxes or containers transported
by trucks, vans, or trailers, and used for the collection of recyclable materials.

(5) Scrap and Dismantling Yard. Outdoor establishments primarily
engaged in assembling, breaking up, sorting, and the temporary storage and distribution of
recyclable or reusable scrap and waste materials, including auto wreckers engaged in
dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from
those vehicles. Includes light and heavy processing facilities for recycling (see the
definitions above). Does not include: pawn shops, and other secondhand stores; the sale of
operative used cars; or landfills or other waste disposal sites. See also Motor Vehicle
Dismantling Facility and Salvage Operations.

(n) Recycling Facility, Accessory (see Land Use Tables). A recycling facility
as defined above, that is incidental to a primary industrial or commercial use.

(o) Regulatory Floodway. See Flood Hazard.

(p) Rehabilitation. The restoration of deteriorated structures, neighborhoods and
public facilities. It may involve repair, renovation, conversion, expansion, remodeling,
reconstruction or any combination thereof.

(q) Rehabilitation Center. See Medical Services - Rehabilitation Center.



land use that is supportive of the predominant land use

neighborhood commercial center is a supportive use in the

residential land use category.

(s) Religious Assembly Facility. See ~~%~~Meeting Facility, Public or Private+ and
~~%~~Places of Worship.+

(t) Remainder Parcel. See ~~%~~Parcel, Remainder.+

(u) Remote Unit. See ~~%~~Wireless Telecommunication Facilities.+

(v) Repair Services. Establishments engaged in the provision of repair services
to individuals, households and firms.

(w) Reserve Parcel. See ~~%~~Parcel, Reserve.+

(x) Reservoir. A naturally occurring or artificially created body of water
(impounded above or below surface level) with a designated holding capacity of at least
one acre-foot of water. Does not include ~~%~~Pond.+See also ~~%~~Lake.+

(y) Residential Accessory Use or Structure (see Land Use Tables). See
~~%~~Accessory Structure.+

(z) Residential Development. A project containing one or more residential
dwelling units, including mobile homes, or a subdivision of land for the purpose of
constructing one or more residential dwelling units.

(aa) Residential Hotel. See ~~%~~Hotel, Residential.+

(bb) Residential Use. One or more of the dwelling unit types listed in the tables
Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the heading of
~~%~~Residential.+

(cc) Residuals Depository. See ~~%~~Hazardous Waste.+

(dd) Responsible Person. Any person who creates a condition that may lead to
accelerated erosion. If a specific person cannot be identified, the owner of the land where
the condition exists shall be considered the responsible person.

(ee) Restaurant, Café, Coffee Shop (see Land Use Tables). A retail business
selling ready-to-eat food and/or beverages for on- or off-premise consumption. These
include eating establishments where customers are served from a walk-up ordering counter



umption (%counter service+); and establishments where
tables for on-premise consumption (%table service+), that

may also provide food for take-out.

(ff) Retail, General. See %General Retail.+

(gg) Retail Sale. A sale of commodities or goods for personal household or farm consumption directly to the ultimate consumer. Sales are normally in small quantities and may include the rendering of services incidental to and supportive of the sale of the merchandise.

(hh) Reversed Corner Lot. See %Lot.+

(ii) Reverse Vending Machine. See %Recycling Facility.+

(jj) Reversion to Acreage. The process by which subdivided real property may be reverted to acreage.

(kk) Review Authority. Person, body or agency authorized to render land use decisions or provide technical recommendations to the Planning Agency.

(ll) Right-of-way. Any strip or area of land, including surface, overhead, or underground, granted by easement, for construction and maintenance according to a designated use, such as drainage canals and ditches, electric power and telephone lines, gas, oil, water, and other pipelines, highways and roads and/or flowage or impoundment of surface waters.

(mm) Right-of-Way, Transportation. See %Transportation Right-of-Way.+

(nn) Riparian habitat. A natural plant community located along, and dependent upon, a water body or water course (e.g., sides of canyon bottoms, creeks, streams, rivers, etc.)

(oo) Road or Roadway. An open way for vehicular traffic.

(pp) Road Easement. See %Easement.+

(qq) Road Easement, Private. See %Easement.+

(rr) Road System. The classification of streets and highways by their diverse functions and design. The following is the commonly used hierarchy of streets and highways for planning purposes:

a roadway allowing access to abutting land, serving local

3 **(2) Collector.** A street used by traffic to travel from local streets to
4 secondary or major highways; usually it allows direct access to abutting properties.

5 **(3) Emergency Access Route.** A two-lane street of high standards,
6 designed, constructed and specifically identified as an emergency access route to serve as
7 a collector or distributor of neighborhood traffic and as an alternative access route in an
8 emergency situation.

9 **(4) Mountain Secondary Highway.** A controlled access, moderate speed,
10 two-lane highway, designed and constructed to accommodate high volumes of
11 intercommunity traffic.

12 **(5) Mountain Major Highway.** A limited access, high speed, four-lane
13 highway, designed and constructed to accommodate large volumes of intercommunity
14 traffic. The mountain expressway connects intensely developed areas and points of
15 interest. It is a four-lane highway with intersections at grade. It is striped for two lanes with
16 shoulders in each direction. Turn lanes at intersections when necessary will require
17 additional rights-of-way and roadway widths.

18 **(6) Secondary Highway.** A street serving traffic from collector streets and
19 major highways that provides for traffic movement to and from traffic generators and
20 attractors; the street is subject to controlled access from the properties fronting on the right
21 of way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with
22 intersections at grade. It is striped for two lanes with shoulders in each direction. Turn
23 lanes at intersections when necessary will require additional rights-of-way and roadway
24 widths.

25 **(7) Major Highway.** A street or thoroughfare that serves through traffic
26 movement across urban areas or to major traffic generators and attractors; it is subject to
27 controlled access from properties fronting on the right of way; intersecting streets are
28 subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is



ers in each direction with turn lanes at intersections.

ty widths may be necessary for turn lanes.

(8) **Major Divided Highway.** A road or thoroughfare that that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a divided four-lane road with intersection at grade. It is striped for two lanes with shoulders in each direction with a raised median and turn lanes. Additional rights-of-way and roadway widths may be necessary for turn lanes.

(9) **Major Arterial Highway.** A road or thoroughfare that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a six-lane highway that may have grade separations at intersections. It is striped for three lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.

(10) **Freeway.** A multilane highway with full grade separation (i.e., intersections are separated by under or overpasses), median strips and fencing or landscaping strips along the sides. It basically services intercity and interstate traffic. See also %Freeway.+

(ss) **Rockfall.** Failure and rapid downhill movement of rocks as a result of gravity, which can be initiated by earthquake shaking.

(tt) **Roof Sign.** See %Sign.+

(uu) **Rooming or Boarding (see Land Use Tables).** Residential occupancy of a building with no more than five bedrooms and no more than one person per room, where lodging is provided for compensation on a weekly or greater basis; but not including facilities defined as social care facilities.

(vv) **Rubber Manufacturing.** See %Manufacturing Operations I and II.+

(ww) **Rumpus Room.** See %Recreation Room.+

(xx) **Runoff.** The movement of water over the ground surface.

Recreation (see Land Use Tables). Facilities for sports and fishing clubs, off-road vehicle parks, and shooting (rifle, pistol, and archery) ranges, ski resorts. See also %Recreational Use.+

(zz) **RV Sales.** See %Mobile Home, Boat or RV Sales.+

SECTION 74. Subsection 810.01.210(a) of the San Bernardino County Code is amended, to read:

810.01.210 Definitions, “S”

(a) **Salvage Operations (see Land Use Tables).** Establishments involved in the storage, sale, wholesale and processing of salvage materials. This land use classification does not include any of the sub-classifications of recycling collection facilities (%Recycling Collection Facilities) except %Scrap and Dismantling Yard.+ See also %Junk and Salvage Facility.+

(1) **Contained.** These uses are conducted entirely within enclosed structures and provide environmentally sound practices in collecting and recycling oils and other toxic materials. No outside storage of parts occurs, and establishments are monitored annually to ensure they are maintained appropriately.

(2) **General.** These uses create major environmental disruption even when carefully regulated. Dust, dirt, noise and unsightly conditions often prevail with these operations.

SECTION 75. Subsection 810.01.240(d) of the San Bernardino County Code are amended, to read:

810.01.240 Definitions, “V”

(d) **Vehicle Services (see Land Use Tables).** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.



Body Work. These establishments include towing, and painting services; tire recapping; truck maintenance.

(2) Minor Maintenance/Repair. Minor facilities providing limited repair and maintenance services. Examples include: minor auto repair with no exterior overnight storage of vehicles; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see **Parking Facilities**), repair shops that are part of a vehicle dealership on the same site (see **Auto and Vehicle Sales and Rental**, and **Mobile Home, RV, and Boat Sales and Rental**); gas stations, which are separately defined; or dismantling yards, which are included under **Recycling - Scrap and Dismantling Yards**.



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ordinance shall become effective thirty (30) days after its

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

DENA M. SMITH,
Clerk of the Board of Supervisors
of the County of San Bernardino

STATE OF CALIFORNIA)
)ss.
COUNTY OF SAN BERNARDINO)

I, DENA M. SMITH, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the _____ day of _____, 2008 at which meeting were present Supervisors:

and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
the Board of Supervisors this day of , 2008.

Approved as to Form:
RUTH E. STRINGER,
County Counsel

DENA M. SMITH,
Clerk of the Board of Supervisors of the
County of San Bernardino,
State of California

By: _____
Robert L. Jocks
Deputy County Counsel

Deputy

Date: January 11, 2008